

By Mr. HINDS: Petitions of Haskell Silk Co., of Westbrook, and North Berwick Co., of North Berwick, Me., favoring protection for manufacturers of dyestuffs in America; to the Committee on Ways and Means.

By Mr. IGOE: Petition of Capt. Gunther Muir and all other officers, noncommissioned officers, and enlisted men of Company D, First Infantry, National Guard of Missouri, urging adoption of the militia pay bill as the only salvation to save the National Guard from dissolution, and for other reasons; to the Committee on Military Affairs.

By Mr. KONOP: Petition of citizens of Outagamie County, Wis., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. LINDBERGH: Petition of citizens of St. Cloud, Brainerd, and Little Falls, Minn., favoring passage of bill taxing mail-order houses; to the Committee on Ways and Means.

By Mr. McKELLAR: Petition of sundry citizens of Memphis, Tenn., opposing Chamberlain standing army bill; to the Committee on Military Affairs.

By Mr. MATTHEWS: Petition of voters of Edgerton and St. Joe Township, protesting against preparedness; to the Committee on Military Affairs.

Also, petition of women of Edgerton, Ohio, protesting against preparedness; to the Committee on Military Affairs.

Also, papers to accompany House bill 9001, granting an increase of pension to William H. Palmer; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9002, granting an increase of pension to Orrin P. Gay; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9003, granting an increase of pension to Benjamin F. Fronefield; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9000, granting an increase of pension to David W. Bogard; to the Committee on Invalid Pensions.

By Mr. MOON: Petition of Davis Hosiery Mills, of Chattanooga, Tenn., and Textile Woolen Co., of Sweetwater, Tenn., favoring bill to protect manufacturers of dyestuffs in America; to the Committee on Ways and Means.

By Mr. MORIN (by request): Petition of Shepard Norwell Co., of Boston, Mass., favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. NEELY: Petitions of 200 business men of Mannington, Wheeling, Fairmont, Clarksburg, Grafton, Janeleu, Salem, Weston, McMechen, Elm Grove, New Cumberland, Fairview, Monongah, Shinnston, Worthington, Littleton, Cameron, New Martinsville, Moundsville, Follansbee, Weirton, Chester, Wellsburg, and Lumberport, W. Va., urging favorable consideration of House bill 270; to the Committee on Ways and Means.

Also, papers to accompany House bill 4413, for the relief of Oliver C. Stringer; to the Committee on Invalid Pensions.

By Mr. OAKLEY: Memorial of William McKinley Camp, No. 9, of Norwalk, Conn., indorsing a program of preparedness; to the Committee on Military Affairs.

By Mr. PRATT: Petition of the Huguet Silk Co., of Hornell, N. Y., urging the passage of House bill 702, a bill to provide revenue for the Government and to establish and maintain the manufacture of dyestuffs; to the Committee on Ways and Means.

Also, petition of Rev. H. Kaufman, of Cohocton, N. Y., favoring an embargo on munitions of war; to the Committee on Military Affairs.

By Mr. SANFORD: Petition of Edwin B. Loughlin, of Cohoes, N. Y., favoring passage of bill for protection of dyestuffs in America; to the Committee on Ways and Means.

By Mr. SELLS: Petition of Tennessee Line & Twine Co., favoring bill to protect the manufacturers of dyestuffs in America; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Papers in the pension case of Mary A. Tilton—House bill 5593; to the Committee on Invalid Pensions.

Also, papers in the pension case of Henry P. Bliss—House bill 8898; to the Committee on Invalid Pensions.

By Mr. SNYDER: Memorial of Herkimer County (N. Y.) Historical Association, favoring passage of House bill 6033, for national park at Oriskany (N. Y.) battle field; to the Committee on Military Affairs.

Also, petitions of McCleary, Wallin & Crouse, the Morris Mills, and Shuttleworth Bros. Co., of Amsterdam; New York Mills Co., Utica Dyeing Co., Gilbert Knitting Co., Utica Chamber of Commerce; and Kathaway & Reynolds, of Oriskany Falls, all of the State of New York, favoring protection for manufacturers of dyestuffs in America; to the Committee on Ways and Means.

Also, petition of sundry citizens of the thirtieth New York district, favoring passage of bill taxing mail-order houses; to the Committee on Ways and Means.

By Mr. STINESS: Petitions of Atlantic Mills, Compton Co., and Continental Worsted Co., all of Providence, R. I., and Hamilton Web Co., of Hamilton, R. I., favoring passage of bill for protection of manufacturers of American dyestuffs; to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of merchants and business men of New Hampshire, favoring legislation taxing persons, corporations, and firms doing an interstate mail-order business; to the Committee on Ways and Means.

Also, petition of Belknap Mills Corporation, of Laconia, N. H., favoring a bill for protection for manufacturers of dyestuffs in the United States; to the Committee on Ways and Means.

By Mr. WEBB: Petitions of employees of Robin Manufacturing Co., of Lincoln; Sivar Cotton Mills Co., Kings Mountain; Lowell (N. C.) Cotton Mills; Defiance Sock Mills, of Charlotte; Cleveland Mill & Power Co., of Lawndale; Ella Manufacturing Co., of Shelby; Phoenix Manufacturing Co., of Kings Mountain; Flint Manufacturing Co., of Gastonia; and Spencer Mountain Mills, of Lowell, N. C., protesting against the child-labor bill; to the Committee on Labor.

Also, petition of citizens of the ninth congressional district of North Carolina, favoring passage of a bill for national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of Henry Dreyer and 100 voters of Willow City, N. Dak., favoring an embargo on arms and ammunition; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 15, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite and eternal Spirit, that though we forget Thee and wander far from the paths of rectitude and duty Thou dost not forget us, but are ever constant in Thy ministrations to our needs. Forgive our forgetfulness and our sins, quicken our conscience, and make us profoundly sensible of the sinfulness of sin, that the trend of our lives may be Godward through the sublime example and eternal precepts of the Master. Amen.

CALL OF THE HOUSE.

The SPEAKER. The Clerk will read the Journal.

Mr. LINDBERGH. Mr. Speaker, I make the point there is no quorum here this morning.

The SPEAKER. The gentleman from Minnesota makes the point there is no quorum present, and evidently there is not.

Mr. BORLAND. Mr. Speaker, I move the call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ashbrook	Eagle	Holland	Padgett
Bacharach	Edmonds	Howell	Paige, Mass.
Barchfeld	Estopinal	Hughes	Patten
Beales	Fairchild	Hulbert	Peters
Bennet	Farley	Husted	Phelan
Brown, W. Va.	Fess	Hutchinson	Porter
Browning	Flynn	Johnson, S. Dak.	Rellly
Bruckner	Gallagher	Jones	Riordan
Butler	Gallivan	Kahn	Roberts, Mass.
Caldwell	Gardner	Kelster	Rowe
Cannon	Glass	Kelley	Sabath
Capstick	Gould	Kelley, Pa.	Scott, Pa.
Carew	Graham	Kreider	Scully
Carter, Mass.	Gray, Ala.	Lewis	Small
Casey	Gray, N. J.	Lieb	Smith, N. Y.
Chilperfield	Gregg	Linthicum	Sparkman
Costello	Griest	Loft	Stephens, Tex.
Cox	Griffin	McCulloch	Stout
Cramton	Guernsey	McLemore	Swift
Dale, N. Y.	Hamill	Madden	Taggart
Darrow	Hamlin	Maher	Tague
Davenport	Hart	Mays	Talbot
Dempsey	Haskell	Mooney	Tinkham
Dewalt	Hastings	Moran	Vare
Doelling	Hayes	Murray	Walker
Driscoll	Heaton	Nicholls, S. C.	Ward
Dupré	Heflin	Nichols, Mich.	Watson, Pa.
Dyer	Hernandez	Olney	Whaley
Eagan	Hilliard	O'Shaunessy	Winslow

The SPEAKER. On this call 314 Members, a quorum, have answered to their names.

Mr. BORLAND. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Missouri [Mr. BOLLAND] moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

APPROVAL OF JOURNAL.

The SPEAKER. The Clerk will read the Journal.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. PLATT and Mr. FERRIS rose.

The SPEAKER. For what purpose does the gentleman from New York [Mr. PLATT] rise?

Mr. PLATT. To request leave of absence indefinitely for my colleague, Mr. ROWE, who is ill and in bed.

The SPEAKER. The gentleman from New York asks leave of absence for his colleague [Mr. ROWE] indefinitely. Is there objection?

There was no objection.

COAL AND OIL LEASES.

Mr. FERRIS. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 406.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with Mr. CULLOP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 406, and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The CHAIRMAN. There is an amendment pending, offered last evening by the gentleman from Minnesota [Mr. VOLSTEAD]. The gentleman from Minnesota is recognized.

Mr. VOLSTEAD. Mr. Chairman, I would like to have the amendment to the section reported.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend by adding at the end of section 26 the following:

"The court in adjudging a forfeiture may, as compensation to the lessee or others interested, decree a lien upon any land permanently improved by the lessee in a sum not exceeding the value added to the land by such improvement; such lien to be paid when the land is again sold or leased under the provisions of this act: *Provided*, That if when the land is again sold or leased such improvement shall have depreciated in value since such forfeiture, the lien may on application to such court be reduced accordingly: *Provided further*, That the court may deny compensation in whole or in part to anyone guilty of bad faith in securing the lease or in carrying out its provisions or the provisions of this act."

Mr. VOLSTEAD. Mr. Chairman, this bill contains a good many provisions designed to protect the Government and the consumers of the various mineral products that may be mined under its provisions; but it has occurred to me that it is very doubtful whether any operation is likely to occur under the leases which it provides for, except perhaps by men who are rich and can afford to take chances, knowing that they have the means to carry out the provisions of a lease.

It seems to me clear that this bill provides for an ordinary lease that would be subject to the laws applicable to leases generally. If anybody should fail to carry out the provisions of such a lease, or of this act, the lessee would lose whatever he had put into the land as a permanent improvement of it.

I had some experience in trying to frame lease laws of this kind while a member of the Committee on the Public Lands. In the hearings we had we were told that in many instances it cost hundreds and thousands of dollars before a mine can be developed so as to secure any proceeds from the operation. Take the case of the person who attempts in good faith to open up a mine and fails. Has he no equity that is entitled to protection?

It is true that a court would go as far as it could in protecting him; but this bill in effect directs, that the court shall declare a forfeiture. When that forfeiture is declared the ordinary common-law rule would apply; not only would he lose the lease but it would carry with it all that he had invested, except a few things that might be removed.

Now, there are a great many things that he could not remove, and it is doubtful whether he would have a right to remove much of anything, as nearly all fixtures would be of a permanent character, placed there to stay, under a lease the term of

which is indefinite. Take, for instance, a tunnel. That could not be removed. A shaft could not be removed.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from California?

Mr. VOLSTEAD. Yes.

Mr. RAKER. In providing for allowing the court to decree a lien on the premises, in whose favor do you ask that the decree be made?

Mr. VOLSTEAD. As compensation to the lessee and others interested. That is the provision of the amendment.

Mr. RAKER. In other words, your intention is that the man who violates his lease shall have a lien decreed upon the public domain that is leased, to remain there, and that the subsequent lessee shall pay for this lien for the benefit of the man who has violated the law? Is that the purpose?

Mr. VOLSTEAD. My idea is that if a man adds anything of permanent value to Government land he should not forfeit it, except as a punishment for bad faith. The amendment provides that the court may punish bad faith by refusing compensation.

Mr. RAKER. If a man has violated the rules and violated the regulations imposed—

Mr. VOLSTEAD. He may be compelled by reason of circumstances to violate the conditions of a lease. Let me call attention to another aspect of this matter. The lessee is not the only one to be considered. There is the party who invests his money and takes a mortgage upon the land; without him there will be but little development. That party has no power to protect himself if the lease is forfeited. It seems to me the court should be given the power to protect the mortgagee—the man who has put the money into the transaction.

Mr. RAKER. Mr. Chairman, will the gentleman again yield? The CHAIRMAN. Does the gentleman from Minnesota yield again to the gentleman from California?

Mr. VOLSTEAD. I do.

Mr. RAKER. Does not the mortgagee, who has foreclosed his mortgage under the bill, stand in the bill in the position of the original lessee?

Mr. VOLSTEAD. When he has foreclosed his mortgage he may, but until then he only has a lien that would be lost when the lease is forfeited.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FERRIS. Mr. Chairman, I do not want to cut the gentleman off, but I ask unanimous consent that at the expiration of 10 minutes, 5 minutes of which shall be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and 5 minutes by the committee, all debate on this paragraph and amendment thereto be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 10 minutes, 5 minutes to be controlled by the gentleman from Minnesota and 5 by the chairman of the committee, all debate on this paragraph and amendments thereto be closed. Is there objection?

Mr. STAFFORD. I object, Mr. Chairman. This is a most important amendment, prepared by a gentleman who was formerly a member of the Committee on the Public Lands. I do not think it is right to abridge this discussion, with only 10 minutes allowed for debate on this amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] objects. Is there objection to the request of the gentleman from Minnesota [Mr. VOLSTEAD]?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. VOLSTEAD. Mr. Chairman, I called attention a moment ago to the fact that a great many improvements that are made under a lease of this kind could not be removed. In case of the forfeiture of a lease, not only would the shafts and tunnels but other fixtures necessarily placed upon the land be forfeited.

It is a rule of the common law that where a lease is forfeited and there are trade fixtures upon the land when the forfeiture takes place, they go to the landlord. The lessee can not remove them if he has suffered a forfeiture during his term. Take the roads that have been built, the houses that have been erected, the timber supporting the roof of the mine, and the protection in tunnels and shafts, all will be subject to forfeiture. I am sure the lease will require that all those things must remain

upon the land, to be lost in case the lease is forfeited. I have put at the end of this amendment a provision giving power to the courts to punish in case there is a lack of good faith in the lessee. It seems to me with that provision the court can amply punish the one whom my friend from California [Mr. RAKER] is so anxious to rob. Barring those who act in bad faith, it seems to me we ought to be willing to give to the people who honestly invest their money in these leases full protection for whatever they do to add value to Government lands; I do not understand why this bill should be considered so sacred that we can not dot an "i" or cross a "t." That seems to be the attitude of the committee. In the public interest they ought to be willing to concede anything and everything that is fair.

Mr. TOWNER. Mr. Chairman, will the gentleman yield for a question?

Mr. VOLSTEAD. I yield to the gentleman.

Mr. TOWNER. Is it not also true that as a mere matter of policy, if these gentlemen desire investments in these interests that they have out there, if it shall be known to the investor that perhaps an unintentional violation of the law will work a forfeiture of all of the property that he has, no ordinarily careful and prudent man would invest a dollar in these enterprises?

Mr. VOLSTEAD. Why, certainly; and besides that, remember this, that the lessee has the power to ruin absolutely the man who puts money into the enterprise in the shape of a mortgage. He may conspire with his competitors to do so. It may even pay him to do so if the lessee is a corporation. Under this bill, if it becomes a law, the mortgagee has no way to protect himself. There is nothing here that gives the court the power to protect him. It seems to me you ought not to say to the man who is going to put in his money, "You have got to put it in on the credit and the honesty of the lessee. You can not put it on the strength of the security at all." That is the way you leave it, and it is not fair. You will never get any development under such circumstances. This provision can not do any harm. It only asks compensation for permanent improvements, and only to the extent that such improvements increase the value of the land. Why should not the Government be willing to be honest? Why should it not be willing to pay for what its citizens may add in value to its property? I think the Government ought to be as honest as any citizen. [Applause.]

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the amendment may be reported again.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the amendment may be reported again. Is there objection?

There was no objection.

The amendment was again read.

Mr. TOWNER. Mr. Chairman, is there any arrangement for time?

Mr. FERRIS. No; but I hope there may be one. Can we not find out how much time is desired, and give gentlemen the time they desire, and then close the debate on the paragraph?

Mr. STAFFORD. Let it run a little while.

Mr. FERRIS. I am afraid it will go too far.

Mr. STAFFORD. Oh, no; it will not.

Mr. FERRIS. I withdraw the request.

Mr. TOWNER. Mr. Chairman, when this provision was under consideration in the other bill, I called the attention of those who had charge of the bill to this provision, which, in my judgment, was both unwise as a question of justice and certainly unwise as a question of policy from the standpoint of the proponents of this bill. However, they did not seem to take that view of the case. I am entirely in accord with the idea suggested in this amendment and shall support it. In my judgment it is a very important amendment and ought to be adopted by the committee.

Mr. Chairman, the provision in the bill is that a proceeding may be commenced in a court of the United States for the cancellation of these leases whenever—and this is the exact language of the section—

Whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease.

It will be observed by gentlemen of the committee that this places every lessee under this act subject to three conditions: First, the provisions of this act. Granted that they may be complied with, perhaps without difficulty. Second, the provisions of the lease. Mr. Chairman, it is not only possible but probable that no lessee will ever enter upon one of these leases who will not at some time, for some reason, under some circumstances, be unable to comply with the terms of the lease. Under these circumstances this provision allows a proceeding to be begun against him for the forfeiture of his lease. Now, grant that the proceeding may be tried in a court of equity. Grant

that the court may consider that an unintentional violation is not sufficient to work a forfeiture of the lease—

Mr. VOLSTEAD. May I ask the gentleman a question?

Mr. TOWNER. In a moment. Still, Mr. Chairman, there is no provision in the section that would not compel the court under its terms to declare a forfeiture if there had been even a small violation of the lease inconsequential in character. Now, I yield to the gentleman.

Mr. VOLSTEAD. Is it not true that for a forfeiture of a lease an action may be brought in ejectment as well as in equity, and that it depends entirely upon the local statutes of the State in which the land may be situated?

Mr. TOWNER. I think the gentleman is correct. I am not absolutely certain with regard to that. Usually, of course, when a forfeiture is to be declared in a court of justice, it is an appeal to the equity jurisdiction of the court. I am not at all sure, however, but that the gentleman may be correct in his suggestion, and if that is the case, it certainly makes it more necessary that we should be careful.

But granting all those things, granting that the court will do everything it can to protect the interests of the lessees, still there is absolutely no provision in this section, or in this bill, which provides for a disposition of the property that may be placed upon the land under this lease, in case a forfeiture is declared. I suggest to gentlemen that there is no State in the Union that does not provide, in case of occupancy of land upon which improvements may be made, for an equitable disposition of those improvements at the expiration or upon the cancellation of the lease. Yet there is not in this bill which we are here considering any suggestion of that kind. Mr. Chairman, will not this say to an intending investor, who may desire to invest his money in such an enterprise to the advantage of all who desire the passage of this act and the improvement of this property, "You can not afford to invest \$10,000 or \$100,000 or \$1,000,000 in property where there is absolutely no protection against the danger of such forfeiture?"

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, as I say, will it not have that effect when there is absolutely no provision in the law that will compensate him for his property or by which any arrangement can be made for its disposition in case he shall be put off the property. I suggest that the adoption of such a provision will result in no improvements being made on these properties. It will defeat the very object and purpose of the act. For, above everything else, I judge it is a bill that will result in its operation for the benefit of the West rather than a restriction on the development of their resources.

Mr. MANN. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. MANN. Does not the gentleman think that the provision in the bill providing that "the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions" would cover the case?

Mr. TOWNER. I hardly think so, for the reason that here is a specific section of the bill devoted to the consideration of questions of violation of the terms of the lease, and providing a method by which, and only by which, they can be terminated.

Mr. MANN. But it is not a forfeiture in itself; it requires a court proceedings to make a forfeiture that is based on the lease. It may contain remedies for breach of any specified condition or provision for settlement of any dispute between the Government and the lessee.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have three minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Iowa be extended three minutes. Is there objection?

There was no objection.

Mr. MANN. So, apparently, the lessee has the right when he makes the lease to insist upon conditions which I had supposed would permit him to make provision for the settlement of any dispute between him and the Government and would be a better protection to him than it would to have us insert a specific provision applicable to all cases which would be binding on the courts.

Mr. TOWNER. I am not at all sure but that the gentleman from Illinois is entirely right. It may be that the other provisions of the bill are entirely adequate for the settlement of disputes during the continuance of the lease. I am only calling attention to the danger of this section that may follow its expiration by a declared forfeiture.

Mr. MANN. The provision I refer to is in this section.

Mr. TOWNER. If the gentleman is correct about it, it would appear antagonistic to other sections.

Mr. MANN. I do not think so. Here is a provision of the lease that it may be forfeited for violation of a condition, the violation of a statute or regulation, but the same section contains a provision authorizing the Government and the lessee to make a special agreement on this subject as to what shall happen if a forfeiture takes place. I do not say that that covers the case, but I had supposed that it would.

Mr. TOWNER. Let me suggest to the gentleman. This clause reads:

And the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

I think, perhaps, that if the lease contained a provision for the settlement of specific instances then it would be adequate, but unless it did contain a provision for every particular requirement it would not. That, in any event, would not meet the case that might result in forfeiture without the fault of the lessee and with no intent on his part to violate the terms of the lease. A lessee might, because of unfair competition, be unable to pay his rent and the court be required to declare a forfeiture. In such a case it would be manifestly unfair to confiscate his improvements, made in good faith, by declaring a forfeiture, without any provision for the disposition of his property.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 20 minutes all debate on this section and amendments thereto be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this section and amendments thereto be closed in 20 minutes. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I want to urge, in perfect good humor, that the House proceed a little more rapidly with this bill. The bill passed the last House practically by unanimous consent, after the most extended consideration of every paragraph, and it seems to me that we have spent more time than we ought to on a bill that we had previously passed with such full and complete consideration.

The gentleman from Minnesota [Mr. VOLSTEAD] offers an amendment which is more far-reaching than any provision that I have yet heard of. But, to debate his amendment, I want to state what section 26 does. The section is more liberal to the lessee as it stands than the leasing laws of any foreign countries that have Federal leasing laws, for they usually provide for involuntary forfeiture. This section provides that when conditions are broken, when the lessee fails to keep faith with the Government, when he fails to keep the lease contract, when he fails and refuses to do the things he agrees to do, then he may go into court and have a trial on every one of the issues to determine whether or not he has broken them at all. But the section does more than that; the last part of the section provides for arbitration, an amicable settlement between the lessee and the Government, and what language more beneficial than that could be inserted for the lessee?

Now, I have a profound respect for the opinion of the gentleman from Minnesota [Mr. VOLSTEAD] and also for the gentleman from Iowa, Judge TOWNER, and I am sure that the reading of this section in conjunction with section 30, which gives the Secretary every power to work out rules and regulations to make this effective, is liberal enough for the lessee.

My own notion is, we need not be so solicitous about these big coal and oil companies. They usually have high-priced attorneys to look after their interests, both at the start and at the close.

But let me call attention to the Government side of it. If you adopt the amendment of the gentleman from Minnesota [Mr. VOLSTEAD], in my opinion you will make it so favorable to the lessee that you never can get rid of the lessee or even be able to regulate him or force him to comply with the lease. And in the event he breaks his conditions under the amendment offered the only thing you can do is to call a halt and pay him for everything he has done. If he wanted to obviate his lease, if he wanted to get rid of it, if he wanted to fail to comply with it, all he would have to do would be to lean on the gentleman's amendment and say, "I demand a lien, and that the court decree a lien on not only property put there but also on the Federal Government as well." Whoever heard of the law giving

a tenant of the Government the right to decree a lien against the Government land? That is what the amendment does. Let me read the gentleman's amendment:

The court in adjudging a forfeiture may, as compensation to the lessee or others interested, decree a lien upon any land permanently improved by the lessee in a sum not exceeding the value added to the land by such improvement, such lien to be paid when the land is again sold or leased under the provisions of this act: *Provided*, That if when the land is again sold or leased such improvement shall have depreciated in value since such forfeiture, the lien may on application to such court be reduced accordingly: *Provided further*, That the court may deny compensation in whole or in part to anyone guilty of bad faith in securing the lease or in carrying out its provisions or the provisions of this act.

But I want to get back to the first of it. I again read:

The court in adjudging a forfeiture may, as compensation to the lessee—

Compensation for what? Because he broke the conditions that he himself made—

or others interested, decree a lien upon any land permanently improved by the lessee in a sum not exceeding the value added to the land by such improvement—

And so forth.

Now, along comes the first lessee. He breaks his condition; but if he goes into court he has the right to demand that the court give him a lien on the Government land, the thing that we lease, the property that belongs to the Government, in order that the lessee may be justified, almost, in breaking those conditions. It ties the hands of the court, while the lessee may break the lease with impunity.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I hope no such amendment as this will be agreed to. I do not believe that the gentleman, after thinking about it and reading section 30, will want it agreed to.

Mr. VOLSTEAD. Mr. Chairman, my attention has been called to the last part of this original section. It is thought by some that that provides sufficient protection to the lessee. I do not believe it does. I do not believe that that is intended to accomplish the purpose of my amendment at all, but only to adjust disputes while the lease is in force and only for the purpose of continuing the lease in force. It reads:

And the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

It seems clear to me that that was intended to give power to adjust differences while the lease remains in force.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. LENROOT. I would like to ask the gentleman whether the lease is not in force until forfeited by a court of competent jurisdiction?

Mr. VOLSTEAD. That is an interesting question. Ordinarily the lease can not be in force when an action is brought. The court should find the fact that a forfeiture has taken place and declare such forfeiture; the forfeiture takes the title, not the decree. Your right must be ripe at the time you bring suit. Under the language of this bill, however, there may be some doubt when the forfeiture actually takes place. But let that be as it may, it does not cut any figure in this matter, as I look at it. Could the Secretary of the Interior make a provision such as I suggest? Could he, after forfeiture, give to the lessee any compensation? From where would the money come? I am clearly of the opinion that he would have no such power and that this language was not intended to give him any such power.

The gentleman from Oklahoma just asked why these men should have protection. He asks if it is because they have violated the lease. No; it is because they have added permanent value to the property by parting with their money in good faith for that purpose. That is what the amendment provides. We ask simply that he be given a lien for the purpose of protecting his interest in that permanent improvement.

Mr. FERRIS. Should a lessee profit by his own wrong?

Mr. VOLSTEAD. He may not have done any wrong. He may have failed because he could not help himself. His competitor may have practically driven him out of the field, and he may not be to blame at all.

Mr. FERRIS. There are provisions covering that.

Mr. VOLSTEAD. The mortgagee has no power under a lease or under any provision of the bill to protect himself. I ask that the man who puts the money into the property shall be protected. I do not ask that the dishonest man should get anything. I have carefully guarded that in the last provision of the amendment.

Mr. FERRIS. Let me inquire, Does the gentleman think that that arbitration provision means nothing? Can the gentleman conceive of the Department of Justice or anyone else who

would institute proceedings against an honest man who in good faith has failed? On the contrary, it is almost impossible to get them to bring suits at all.

Mr. VOLSTEAD. The gentleman is begging the question. This is a provision that only applies when confiscation does take place. It is only in that case that I make provision for the decree. It is where forfeiture is declared. There ought to be some power under the law whereby the interests of innocent parties may be protected. In many instances the forfeiture of leases causes great hardship. Every lawyer knows of cases of leases and of contracts for the purchase of land that have been forfeited where great injustice has been done. The men who are asked to put millions of money into these lands should not be placed in such a position. The public will eventually pay these losses. This bill will only give an opportunity for the rich man to develop. I insist the law should be such that not only will it apply to the rich, but also to the poor. Any man who wants to go to the assistance of his friend and put money into his enterprise should be permitted to do it.

Mr. GREEN of Iowa and Mr. RAKER rose.

The CHAIRMAN. How was this time to be divided?

Mr. FERRIS. Nothing was said.

Mr. LENROOT. I desire to ask the Chairman how much time has been consumed?

The CHAIRMAN. Ten minutes; five minutes by the chairman and five minutes by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. STAFFORD. It was understood that 15 minutes was to be used by gentlemen on this side.

The CHAIRMAN. That was the understanding of the Chair.

Mr. STAFFORD. And I so assured the gentleman from Iowa [Mr. GREEN], that he and the gentleman from Wisconsin were to be recognized.

The CHAIRMAN. That was the understanding of the Chair. Mr. GREEN of Iowa. Mr. Chairman, my friend, the gentleman from Oklahoma [Mr. FERRIS], misconstrues, I think, not only the section itself but the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD]. The provisions of the section, had it been intended, as the gentleman from Oklahoma seems to think, ought to read quite differently from the text as it now stands. Instead of saying that a forfeiture may be declared by the court, it ought to have read to express the intention of the gentleman from Oklahoma, as I understand it, that proceedings to obtain a forfeiture might be instituted in a Federal court. Instead of so saying, we expressly authorize the court to declare a forfeiture. It does not, it is true, require the court should in all instances—

Mr. FERRIS. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman.

Mr. FERRIS. If the gentleman will pardon me, the gentleman can not assume that the court is going to decree a forfeiture unless suit is brought for the purpose, can he?

Mr. GREEN of Iowa. The gentleman will pardon me if I say that he has entirely misunderstood what I stated. There is a vast difference between giving a court power and jurisdiction over an action and expressly giving it power to adjudicate a certain kind of judgment. The gentleman does not seem to apprehend my point.

Mr. FERRIS. I will hear the gentleman and see how well he understands it. [Laughter.]

Mr. GREEN of Iowa. Now, the amendment offered by the gentleman from Minnesota does not provide that the lessee shall receive the expenses that he has incurred, but simply the value which he has added to the property, and even in the event he has added to the value of the property, the court is not required to award him this additional value, but may only do so in case of good faith, and also, we assume, in case that unavoidable casualty or misfortune which has caused him to make some breach of the lease. The remedy provided in the last part of the section is a remedy afforded the lessee and not the lessor. It is for a breach of the provisions or the settlement of some dispute. It affords the lessee no chance of recoupment in this direction.

Mr. RAKER. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman.

Mr. RAKER. What would become of the land upon which the court gave a lien after a lien has been decreed?

Mr. GREEN of Iowa. What would become of it?

Mr. RAKER. Yes; how would you satisfy the lien?

Mr. GREEN of Iowa. The lessor would proceed, if necessary, in the same way we now proceed to satisfy a lien.

Mr. RAKER. Tell us how. How would the lien be satisfied?

Mr. GREEN of Iowa. He would enforce the lien through proper proceedings in court, if necessary, if the amount of the lien was not paid.

Mr. RAKER. What would be the ultimate result—to sell the land?

Mr. GREEN of Iowa. Ordinarily, however, a subsequent purchaser would take it subject to the lien.

Mr. MANN. The amendment provides for that.

Mr. RAKER. Let us see whether it does or not. That is the reason why I asked the gentleman the question—

Mr. GREEN of Iowa. I will ask the gentleman to state that in his own time.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. GREEN of Iowa. The amendment offered by the gentleman from Minnesota, in my judgment, fully provides for these matters.

Mr. RAKER. Will the gentleman yield for a question?

Mr. GREEN of Iowa. I am very sorry, but I can not yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. RAKER. Thank you.

Mr. GREEN of Iowa. The amendment is simply in accordance—

Mr. COOPER of Wisconsin. I would like to ask the gentleman a question.

Mr. GREEN of Iowa. Very well.

Mr. COOPER of Wisconsin. Something has been said here about a possible forfeiture for a breach caused by unavoidable casualty. Could not the Government and the lessee make the lease cover a breach caused by unavoidable casualty or by the act of a public enemy or by act of nature, like an earthquake or tornado? Why could not all of these possibilities of which gentlemen speak be provided for by the terms of the lease itself? The language of the bill is that the lease may provide remedies for breach of specified conditions thereof.

Mr. GREEN of Iowa. I will ask the gentleman not to make an argument instead of putting a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I am afraid the gentlemen who are advocating this amendment have lost sight of the purpose of this bill of authorizing a court to declare a forfeiture. It is for the purpose, and sole purpose, of securing the performance of the contract that the lessee has entered into with the Government, holding before him the possible penalty, to be declared by a court, of a forfeiture of his rights.

Now, with the amendment that is proposed, that is now pending before the committee, in a great many cases forfeiture might be no penalty at all if he is going to be made good for all that he has put into the property, and the purpose in authorizing a forfeiture entirely disappears. Now, the gentleman from Minnesota [Mr. VOLSTEAD], when the water-power bill was up, discussed this with me to some extent, and at that time was of the opinion that a court in a proceeding brought to declare a forfeiture would have no discretion if there was any breach of conditions, but would be compelled to declare a forfeiture. In other words, that if the breach was found to exist a forfeiture must be declared. Of course, if that was the state of the law, it ought not to obtain in this kind of a case, because there ought to be a discretion and a power in the court when a proceeding is brought in equity, and it must be in equity to do equity between the parties. I have examined the question somewhat since that time and I am satisfied now, as I was then, that the purpose of this penalty being to secure the performance of this contract in any proceedings brought in court for a forfeiture the court of equity will take that case, and if there is any way by which equity can be done between the lessee and lessor—in other words, if the lessee can cure his default by any act—the court will not declare a forfeiture. The rule is very well settled by the courts.

I read just a paragraph from Story on Equity Jurisprudence. After stating the general principle of law, he said:

In every such case the true test generally, if not universally, by which to ascertain whether relief can or can not be had in equity is to consider whether compensation can be made or not. If it can not be made, then courts of equity will not interfere—

In other words, will declare the forfeiture—

If it can be made, then, if the penalty is to secure the mere payment of money, courts of equity will relieve the party upon paying the principal and interest. If it is to secure the performance of some collateral act or undertaking—

And that is this case—

then courts of equity will retain the bill and will direct an issue of quantum damnificatus; and when the amount of damages is ascertained by a jury, upon the trial of such an issue, they will grant relief upon the payment of such damages.

Now, Mr. Chairman, if a proceeding is brought under this act to declare a forfeiture, the court will not declare the forfeiture unless the lessee refuses to do that which the court says ought

to be equitably done, and if the lessee refuses to comply with what the court says ought to be done in equity, then he ought to suffer the penalty of the forfeiture of his lease.

Mr. VOLSTEAD. Does the gentleman claim that that rule, which he has read from Story, has any application to the forfeiture of lease?

Mr. LENROOT. I do in this case; yes, sir.

Mr. VOLSTEAD. Is it not a familiar doctrine that those leases are always canceled for failure to perform? The condition in the contract is that it shall be forfeited.

Mr. LENROOT. Yes, exactly; but it is not true always. In the payment of rent, even though there is a condition that it shall be forfeited in case of nonpayment, it has been held that a court of equity will relieve in that particular case; but generally in leases where the court will declare a forfeiture, or, in other words, not relieve against it, the parties themselves have declared there shall be a forfeiture. But in this case we do not declare a forfeiture; we simply declare the court may have the right to declare the forfeiture, and if the lessee refuses to do that which the court says in equity ought to be done he ought not to be indemnified for the money that he put into the property.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. VOLSTEAD. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 39, noes 55.

Mr. VOLSTEAD. Mr. Chairman, I demand tellers.

Tellers were ordered; and Mr. VOLSTEAD and Mr. FERRIS took their places as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 60.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 28. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require.

Also the following committee amendment was read:

Page 25, line 20, strike out the figures "28" and insert "27."

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 29. That the provisions of this act shall apply to all lands of the United States which may have been or may be disposed of under laws reserving to the United States the coal, phosphate, oil, gas, potassium, or sodium, with the right to prospect for, mine, and remove the same, subject to such conditions as to the use and occupancy of the surface as are or may hereafter be provided by law.

Also the following committee amendment was read:

Page 26, line 1, strike out "29" and insert "28."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Also the following committee amendment was read:

Page 26, line 1, after the word "shall," insert the word "also."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Also the following committee amendment was read:

Page 26, line 2, after the word "all," insert the words "deposits of coal, phosphate, oil, gas, potassium, or sodium in the."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Also, the following committee amendment was read:

Page 26, line 5, after the word "States," strike out the words "the coal, phosphate, oil, gas, potassium, or sodium" and insert "such deposits."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Also, the following committee amendment was read:

Page 26, line 7, after the word "conditions," strike out the words "as to the use and occupancy of the surface."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 30. That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys

in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions, as the legislature of the State may direct: *Provided*, That any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 26, line 10, strike out the figures "30" and insert in lieu thereof the figures "29."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

Page 26, line 25, after the word "State," insert the words "or subdivisions thereof for the construction and maintenance of public roads or."

Mr. STAFFORD. Mr. Chairman, I rise in opposition to that amendment. I would like to inquire whether this is in the happiest phraseology as to "subdivisions thereof." I assume that the purpose is that the moneys may be used by these subdivisions. In reading the bill I thought perhaps the language was used rather awkwardly, "to be used by such State or subdivisions thereof."

Mr. FERRIS. Mr. Chairman, I will say in reply to the gentleman that some of the States have cooperative roads, operating between the counties and the States, where the legislature treats the county as an entity, and in such cases the legislature might want to appropriate part of the funds to the county as a county. If the gentleman has any suggestion about the language, we shall be glad to hear it, but I think this will cover it.

Mr. STAFFORD. Well, that is well enough.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

Page 27, line 2, after the word "other," insert the word "public."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. Now, the gentleman from Michigan [Mr. McLAUGHLIN] offered an amendment. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN:
"Page 26, line 11, after the word 'act,' strike out all the remainder of the section and insert the following language: 'shall be deposited in the Treasury of the United States as miscellaneous receipts.'"

Mr. McLAUGHLIN. Mr. Chairman, I offer this amendment with the idea of having legislation enacted in the proper way and a proper disposition made of public receipts and the revenues of public property.

It may be remembered that a few days ago, when we were considering the bill to provide for the development of water power on the public lands, I offered an amendment which, if adopted, would have provided for the depositing in the Treasury of the United States of money received as charges or rentals for use of land within the national forests, to be used as are other receipts of the national forests. That amendment was not agreed to. It may be, as some gentleman here has suggested, that this bill is air-tight, and that no amendments can be made except such as are presented by the committee itself. But I offer this amendment with the idea that the plan proposed by the bill is not proper. Money received from public property, all public receipts, ought to be turned into the Public Treasury, so that Congress may know the amount of them and the source of them, and that it may always be within the power of Congress to make appropriations of money, to know what use is to be made of it, how much of it is to be used for each and every particular purpose.

I venture to say there is not a gentleman on this floor who knows what the receipts available for the Reclamation Service have been up to this time, nor is there one who knows the amount of money already expended on reclamation projects.

Mr. FERRIS. Mr. Chairman, right there, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Oklahoma?

Mr. McLAUGHLIN. Nor how much money will be needed, according to the estimates of any official, to complete what is known as the reclamation projects. Now I yield.

Mr. FERRIS. The gentleman is correct in his last statement, but in the others he is entirely in error. His last statement as to how much is to be expended is true, but as to the proposition that no one knows how much has been expended he is in error. I have the figures right here.

Mr. McLAUGHLIN. Well, it is possible the gentleman from Oklahoma, the chairman of this committee, has those figures, but I doubt whether other gentlemen on the floor have any idea of how much money has been used on the projects, how much money is available, or how much money will be necessary to complete the projects.

When I presented my amendment a few days ago my colleague from Michigan [Mr. FORDNEY] made a statement as to the amount that had been used in reclamation projects and gave something of the history of those projects; and it appeared that the projects were started with the idea that they were to cost a comparatively small amount of money. We had the estimates of distinguished engineers. The money devoted to the purpose was all expended, and it was found that the projects had just been begun, and that immense sums of money running up, as I remember, to \$75,000,000, in addition to all that had up to that time been appropriated or expended, would be or might be necessary to complete the projects. I think those figures came as a surprise to the membership of this House. The Members had no idea of such expenditure.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN. Mr. Chairman, I ask permission to proceed for five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FERRIS. Reserving the right to object, Mr. Chairman, is any more time desired on that side of the question?

Mr. MONDELL. How much time is the gentleman going to reserve?

Mr. FERRIS. I thought of reserving five minutes for the members of the committee.

Mr. MONDELL. I suggest that the gentleman reserve 10 minutes.

Mr. LENROOT. Mr. Chairman, I suggest that the debate be allowed to run on for a little time. This is an important matter, the subject of receipts.

Mr. FERRIS. I did not intend to close debate on the section, but on the amendment. I ask unanimous consent, Mr. Chairman, that at the expiration of 15 minutes, debate on the amendment be closed.

Mr. MONDELL. I may want two or three minutes.

Mr. LEVER. And I would like to have a little time.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the debate on this amendment be closed in 15 minutes, 5 minutes to be used by the gentleman from Michigan [Mr. McLAUGHLIN], who now has the floor, 5 minutes to be used by the committee, and 5 minutes by some one else who desires to speak in favor of the amendment.

Mr. STAFFORD. No, Mr. Chairman; the remaining five minutes is to be divided between the gentleman from Wyoming [Mr. MONDELL] and the gentleman from South Carolina [Mr. LEVER].

The CHAIRMAN. Yes; the remaining five minutes to be divided between the gentleman from Wyoming and the gentleman from South Carolina. Is there objection?

Mr. FOSTER. Mr. Chairman, reserving the right to object, ought not the committee to have some time, too?

Mr. FERRIS. Yes; I think the committee ought to have a few minutes. Say 10 minutes to be divided between the gentleman from Wyoming and the gentleman from South Carolina and myself. Is that satisfactory?

The CHAIRMAN. And 10 minutes to be divided between the gentleman from Wyoming, the gentleman from South Carolina, and the chairman of the committee. Is that it?

Mr. FERRIS. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. McLAUGHLIN] is recognized for five minutes more.

Mr. McLAUGHLIN. Mr. Chairman, I do not know the purpose of the gentleman from Michigan [Mr. FORDNEY] in presenting the figures and making the statement he did. Possibly it was because of a feeling of opposition to the reclamation projects; but I am not speaking with any feeling of opposition to those projects, or to the use of reasonable amounts of money to carry them out. I am simply insisting that the proper way to carry on legislative business is to have the money turned into the Treasury of the United States, and that Congress shall

appropriate money for each and every several project, so that Congress may at all times know just what it is doing.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. McLAUGHLIN. I am afraid I shall not have time, Mr. Chairman, I prefer to go on now and yield later if I have time.

The CHAIRMAN. The gentleman declines to yield.

Mr. McLAUGHLIN. The plan proposed by the bill is a vicious and altogether improper way of carrying on public business. When I spoke the other day, I spoke partly on behalf of the Forest Service, because land within the national forests is to be used for the erection of dams, or dams are to be erected upon forest land, and are to be used in developing hydroelectric power. And my idea was that the rents and charges collected by the Government for the use of lands within the national forests ought to go into the Treasury of the United States, just as other receipts of the national forests go into the Treasury, to be used just as other receipts of the forests are used. That appears to me proper and just.

I know and appreciate the strenuous opposition on the part of some Members of the House to the entire national-forest policy. They oppose the policy, and fight almost every proposition relating to national forests incorporated in measures that come before the House. They would, if they could, wipe out all law for protecting our forest reserves. They wish to have all those forest lands, in fact, all of the public lands in the western part of the country, turned over to the States, to be used just as they please, that the Government shall part with its title and give up the idea of controlling its lands in any manner or respect whatever.

We know what has been the result of the Government being without laws, or of ineffective laws, for the protection or disposition of its property. The result has been that private interests have acquired the resources of this country; and I venture to say that if the public lands of the United States, including the forest lands, were turned over to the States, or if the laws relating to the forest reserves were repealed, within 48 hours the entire body of these lands would be in private ownership, monopolized as almost every acre of land available for purchase has been monopolized in the past.

Mr. RAKER. Will the gentleman yield?

Mr. McLAUGHLIN. I am afraid I have not the time. I will if I have further time.

The CHAIRMAN. The gentleman declines to yield.

Mr. McLAUGHLIN. Now, I have no feeling whatever of opposition to the Reclamation Service; but we started out to use about \$48,000,000, and without authority of Congress the officials in charge of the work spent, or obligated the Government to spend, about \$73,000,000, if I remember the amounts correctly; and after these immense sums had been used, or obligations incurred, these same officials, supported by their very "efficient" engineers, called on Congress for money to complete the projects, telling us that a still further sum of \$75,000,000 would be necessary. Now, that may have been a good use of money. The work may have been done properly. It may be a proper policy to continue; but the money to be realized under the law we are now making, the amount of which no human being can tell, ought to be first paid into the Treasury of the United States and appropriated from time to time, as Congress shall determine, so that Congress can keep track of the work and keep track of public money.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Wyoming [Mr. MONDELL] is recognized for three minutes.

Mr. MONDELL. Mr. Chairman, I hope there is no gentleman, at least on this side, who has the views of certain things which have been expressed by the gentleman from Michigan [Mr. McLAUGHLIN]. He is evidently agonizing because the farmers of Illinois own all of what was formerly the property of the Government in that State. He is sorrowful because the farmers of Michigan own all its broad and beautiful acres, which were once the property of the Government. He is thoroughly discouraged because the farmers of Iowa and Missouri have made those great Commonwealths by being able to secure title to what was once Government property.

Of course, the proposition offered by the gentleman from Michigan [Mr. McLAUGHLIN] will not be adopted. It should not have a single vote, not even that of the gentleman from Michigan. I am of the opinion it would not, if he would stop to think about it. I am sure the gentleman from Michigan would not want to have all of the resources of Michigan laid under a 10, 15, or 20 per cent annual tax on the production and have the money go into the Treasury of the United States. We think that at least 50 per cent of this money should be paid to the States and the communities to compensate them for the taxes they will lose under this system; but the committee have pro-

posed that it shall go into the reclamation fund, a perfectly proper, legitimate public service; and in this connection I want to say to my good friend from Michigan [Mr. McLAUGHLIN], as I said to my other good friend from Michigan [Mr. FORDNEY] the other day when he discussed the Reclamation Service, that I hope before he again discusses what has been done under the reclamation law he will better inform himself on the subject. [Applause.]

Mr. FERRIS. Does the gentleman from South Carolina [Mr. LEVER] desire to be heard?

Mr. LEVER. No; I thank the gentleman; I do not.

Mr. FERRIS. The gentleman from South Carolina [Mr. LEVER] does not care to use his time, and I should like to be recognized for seven minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] is recognized for seven minutes.

Mr. FERRIS. Mr. Chairman, the gentleman from Michigan [Mr. McLAUGHLIN] comes in, and in a wholesale way proposes to take every cent of these royalties and put them into the Treasury of the United States. That is his side of it. A certain group of gentlemen here believe in doing that very thing. In a few moments the gentleman from Wyoming [Mr. MONDELL], or probably some other gentleman who lives in the far West, will come in with an amendment proposing to deliver it all eo instanti direct to the States. Now, what have the committee done? The committee have done the thing that is reasonable, the thing that ought to be done, and have put the proceeds into the Reclamation Service. Let us then see if we are justified in doing that.

In 1902 Congress said, in the enactment of the Reclamation Service law, that every penny of the proceeds of the sale of the public lands should go into the Reclamation Service. What for? To build up and create a great service in the West, converting the bald, naked prairie into habitable homes. Since that time the department have been going along with irrigation as best they could. The receipts from this source have dwindled down from \$9,000,000 in 1908 to \$3,000,000 in 1915. Now, if it was right in 1902 to put the proceeds of the sale of the public lands into the Reclamation Service, the fee passing into the States for taxing purposes, surely it is right to put the proceeds of these royalties into the Reclamation Service, and keep the Reclamation Service going.

I can speak without any selfish interest on this proposition, because while my State is one of the semiarid States and while we have put into the fund six and a half million dollars we have never had a single acre irrigated. So my defense of the irrigation fund is without any selfish motive. But looking further than the individual rights of my State, I am not one that wants to strike down that great service in this country. In 1892 it was thought wise to begin this service, and every year it has been thought wise to maintain it, and only two or three years ago Congress was called upon and responded with an appropriation of \$20,000,000 to keep the service going. Under the leases we do not provide that the lands shall be patented, so they will yield taxes, and so we ought to at least give them royalties, so that the irrigation fund may be kept going and so that it will not wither and die.

Let me call attention to the fact that about \$85,000,000 has been expended for irrigation. A part of it was a \$20,000,000 loan and the rest are the proceeds of the public lands. Some of it has been wasted, I have no doubt, not intentionally, but in experiments as to what they could do with water on worthless land. But for the \$85,000,000 expended we have a lien or mortgage on the land irrigated, and that money is to be paid back.

Let us see what we are doing for rivers and harbors. The Federal Government has at one time and another expended over \$800,000,000 for river and harbor improvements. This is not to be returned or even promised to be returned.

Now, I am not against river and harbor improvement. I have voted for it every year because I believe that it is a great national development and that it ought to be done. Perhaps mistakes are made there. The \$850,000,000 is not to be paid back to the Government at all; while, on the other hand, these expenditures are to be paid back—the homesteaders who are trying to settle up the arid States in the West promise to pay back—whether they do it or not, they promise to pay it back.

Mr. SMITH of Idaho. As a matter of fact, they are paying it back; why does the gentleman emphasize "promise"?

Mr. FERRIS. I think that is true—they are paying it back.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. McLAUGHLIN. How much money is to be realized under the leases you are providing for in this bill?

Mr. FERRIS. No one knows. You can judge something from the speeches that have been made here. The gentleman

from Oregon said that it would take \$20,000,000 out of the West, and a gentleman later on said that no lease would ever be executed under it, and therefore there would be no royalty.

Mr. McLAUGHLIN. Did not he say that it would take \$20,000,000 out of one State?

Mr. FERRIS. No; not if I understood the gentleman from Oregon.

Mr. JOHNSON of Washington. The statement was that if the water possibilities could be realized to the full capacity, it would take \$20,000,000 out of one State.

Mr. McLAUGHLIN. Can the gentleman from Oklahoma give us any estimate as to the amount that would be realized under this bill?

Mr. FERRIS. No; no one knows.

Mr. McLAUGHLIN. Does that not support what I said—that we are providing for turning possibly untold millions of dollars into this fund?

Mr. FERRIS. I hope that is true. I hope that thing will happen, for if it does the House will place the stamp of approval on the work that the Public Lands Committee has been doing, and the fact that it has brought a razor in here that will shave. The standing indictment against this bill has been that it would not do anything—that no one would ever work under it.

Now, I am only giving you my own opinion, but I think that from oil and water power we shall get some pretty good returns. I doubt if we ever get much from coal for a long time. The fact is we have 450,000,000 tons of coal, roughly estimated, belonging to the Government, and there are 150,000,000 tons in private ownership. My opinion is that the Government coal is so far from the railroad, so far from the central market, that it will be a long time before anything is realized under it from coal. But as to the oil and water power, my opinion is that receipts will enrich the irrigation fund. You will get a good return, and it will build up the irrigation fund in the West; it will make States that have only 100,000 population now have double that amount. I believe it will develop things in the West generally. I think the bills we are passing will accomplish what is claimed for them. They have had careful consideration here on the floor, extended and patriotic consideration by the Committee on the Public Lands. The Secretary of the Interior has personally given unstinted and patriotic work on them. All of the departments have. I am personally proud of them.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired, and all time has expired, and the question is on the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out the section and insert the following:

"That one-half of the royalties and rentals received under the provisions of this act shall be paid to the State within which the leased lands or deposits are located, to be used by such State or the subdivisions thereof for the construction and maintenance of roads and for the support of schools, as the legislature of the State shall direct, and one-half shall be paid into the reclamation fund."

Mr. MONDELL. Mr. Chairman, I do not intend to take up the time of the committee for any considerable period, even if opportunity is given me in the discussion of this amendment, for I discussed it at some length in general debate, and I discussed a similar provision in the water-power bill when that bill was under consideration.

The section as it stands provides that the royalty and rentals shall flow into the irrigation fund. My amendment provides for a division, one half going to the State and one half to the reclamation fund. It will be remembered that this is a radical departure from past legislation. Heretofore we have disposed of the public lands and in due course of time they have passed into private ownership and become taxable, with all their values. We are now proposing to retain permanently from private ownership and taxation this valuable property of land and minerals.

It is our opinion that one-half of the receipts from royalties and rentals will not more than recompense us for the actual loss in revenues through our inability to tax values retained in the hands of the Federal Government. If it were a matter of selling lands at a nominal price and then turning the money into the Federal Treasury, that would be one thing, because the land sold would become taxable and we would have an opportunity to support the institutions of government by taxing the lands. When, however, we retain the lands permanently in the hands of the Federal landlord and exact a heavy rental, to be determined by the Secretary of the Interior, surely there can be no one who has considered the matter carefully, not even my

friend from Michigan, who believes that under such conditions these great rentals and royalties, running on forever, covering a large portion of the lands and resources of a State or of a community, should all be taken out of the community, out of the State, even for so splendid a purpose as the reclamation of arid lands.

It is perhaps proper that half the funds should go into the reclamation fund; but surely these communities are entitled to compensation for the loss that they must sustain to their revenues under this system; and, more than that, if there be any real, sound argument for the establishment for a public leasing system, its strongest pillar and support is the claim, the hope, the expectation that through such a system, with all of its annoyances, with all of its liability to check development, the community may secure larger benefits as time passes than would be secured under a system of private ownership. That is one of the strongest arguments in favor of a public leasing system. That argument goes for naught if the revenues thus received from the depletion of the resources of a State are taken beyond its borders and its people receive no benefit. The cost of the maintenance of government goes on. Roads must be built, schools must be maintained, while the revenues flowing from these enormous resources are going out of the community beyond the borders of the States, to be used for other purposes, the people left without funds or opportunity to develop their country. It seems to me this is a very fair provision. As a matter of fact, these States and communities should have all of these moneys. No other theory is consistent with our idea of government, and it is only because the reclamation fund is one contributing to the upbuilding of this same western country that we approve or agree to the proposition of half of it going into the reclamation fund.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I shall have to ask for one minute more.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. MONDELL. It is true there is a provision in this section under which, after the money has been paid into the reclamation fund and then paid back, half of it shall go to the State for the purposes contemplated by my amendment. The difficulty with that is that it will be 20 or 25 or 30 years before these moneys are returned. It will be impossible to identify them, in any event, when they are returned; and if anyone objects, no dollar could ever come back to the States under that provision. Worse than that, these communities for 20 years, longer than the life of an ordinary oil field, as long as the life of an ordinary coal mine, must be deprived of this source of income, must build their roads, must educate their children, and the only satisfaction they would have is a hope deferred that at some time in the distant future some other generation may perhaps get some benefit.

Mr. MANN. Mr. Chairman, I voted for the amendment offered by the gentleman from Michigan because I have always been of the belief that all moneys received by the Government ought to be paid into the Treasury, to be at the disposition of Congress in its wisdom. Its wisdom may not always be as great as the wisdom of a former Congress, and yet during my experience here I have not seen that the Congress of 20 years ago was any wiser than the Congress now, or that the Congress before my friend from Washington [Mr. LA FOLLETTE] came into it knew any more than it has since he came. I am inclined to think that the wisdom increases gradually rather than retrogrades.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman yield?

Mr. MANN. For a question.

Mr. LA FOLLETTE. Does the gentleman understand by this provision that this money would not go into the General Treasury?

Mr. MANN. No; but it goes into the General Treasury as a pledged fund. It is kept apart on the books of the Treasury. The gentleman knew, and I knew, perfectly well about that. I would be almost inclined, however, to vote for the amendment offered by the gentleman from Wyoming [Mr. MONDELL] were it not for one thing, because I can not conceive of any reason why we should pay half of this money to the States eventually and not pay it to them from the start. If the States are entitled to half of the money, then those who live at the time the money is contributed are better entitled to it than are their descendants. But the reason I shall not vote for the amendment of the gentleman from Wyoming is very briefly stated. I do not think these reclamation projects ever intend to pay back the money to the Government. In the last Congress we put off the time for any payments for five years, gave them the money without interest.

Mr. MONDELL. Not on all of them.

Mr. MANN. On all of them except the preliminary payments, even those in the past as well as those in the future, and we extended the time of payment for the balance—the annual payments—for 20 years. But if we provide that half of the money when it is repaid shall go into the State treasuries, then we are sure to get the money back.

The gentleman from Wyoming says there is no way of distinguishing where this money goes to. I think he is incorrect. The books of the Treasury will show these funds kept separately, and they will show what projects received money out of this fund, and the Treasury Department and the Reclamation Service will at all times know just to a dollar, to a cent, how much of this money is in any particular reclamation project, and when the money is to be paid back the balance of the State which has received half the money that comes in will insist that the money be paid back so that the whole State may have the benefit of it, in spite of a few gentlemen who have gone into some place and reaped the special benefit of a special reclamation project. [Applause.]

Mr. RAKER. Mr. Chairman, I desire to insert in the RECORD right here a table contained in the Fourteenth Annual Report of the Reclamation Service, 1914-15, which would answer all of the questions propounded by the gentleman from Michigan [Mr. McLAUGHLIN]. Secondly, on page 470 a table marked "14," in order to answer the gentleman from Illinois [Mr. MANN], which shows that there have been \$15,359,956.59 already paid by these reclamation projects, and that we hope and expect and believe, and no western man ever had an idea different or contrary to that fact, that the Government would be repaid for every dollar expended on reclamation projects.

Mr. MANN. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. MANN. I have not yet examined that table, but I do not believe upon examination it will show any \$15,000,000 has been paid back on reclamation projects.

Mr. RAKER. I did not say that.

Mr. MANN. That is what the gentleman tried to lead us to believe.

Mr. RAKER. The gentleman did not do anything of the kind.

Mr. MANN. I understood—

Mr. RAKER. What the gentleman understood and what the gentleman from California stated are entirely different things.

Mr. BORLAND. Will the gentleman yield?

Mr. RAKER. Not for the moment. I made a statement direct and positive to the fact, and irrespective of what the gentleman from Illinois might think or might believe and the unkind statements that he made are entirely two different things.

Mr. BORLAND. Will the gentleman yield?

Mr. RAKER. No; I do not yield for the moment. A man gets up here and reads a record, and the gentleman makes an unkind comment here, just as he did last night. I realize the fact, and I realize the gentleman's astuteness, and I realize that he has a great body of men on the other side behind him and can always demand anything he wants; but, notwithstanding, such a statement of a gentleman of his ability becomes improper at this time, when one reads the record before the House to the end that information may be had.

I read exactly what is here. I gave the page showing the kind and character of receipts that have been collected from the reclamation fund, not only from rentals but temporary water rentals, transportation refunds, forfeitures by bidders and contractors, power and light, water-right construction charges, water-right operation and maintenance charges, overdisbursements, and miscellaneous, as well as the miscellaneous service, coming to the full amount, and showing that these people in the West have already paid into the reclamation fund this amount of money; and the persistent statement before the House that these people are trying to avoid their contracts by trying to get out of payment, or trying to defeat this Government in carrying out these most beneficial projects, is clearly uncalled for and ought not to be made, because no one has ever attempted to defeat the Government. The idea is these projects may be completed, and that as soon as they are completed and other projects—land lying in the same condition as these present projects before being started—might be used in making fertile, valuable, and useful the desert lands of the West.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I hope the gentleman from California will accord me another virtue—that of patience. It is one of the peculiarities of politics that when the Democrats are short of other things, they abuse the Republican leader. That is always safe. It never takes either acumen, intelligence, or any other attribute which naturally belongs to a Member of

Congress, or properly. [Laughter on the Republican side.] The gentleman from California [Mr. RAKER] a moment ago stated that there had been paid back to the reclamation fund \$15,000,000, and he had the record before him. There the gentleman stopped. Now, I have examined the reclamation fund reports every year. I have not yet seen them this year, but I knew that statement was not correct; and out of kindness of heart, because I wished to excuse the many inaccuracies the gentleman from California unintentionally perpetrates upon the House, I challenged the statement so that he might correct it. Thereupon he says there has been paid into the reclamation fund from a great many different sources a large amount of money—not paid back to the reclamation fund. Now, the gentleman will not state how much has been paid back to the reclamation fund.

Mr. SMITH of Idaho. Will the gentleman from Illinois yield?

Mr. MANN. I will.

Mr. SMITH of Idaho. Will not the gentleman from Illinois state how much has been paid from the settlers last year?

Mr. MANN. I do not know. I just stated I have not seen that.

Mr. SMITH of Idaho. It is shown by the last report of the Reclamation Service, page 31, that during the last fiscal year there was paid back \$644,544.54 from water-right charges.

Mr. MANN. That is, in the last year. The gentleman from California told the House that in the few years that it has been running there have been \$15,000,000 paid back, and last year should have been by long odds the largest amount that was paid in.

Mr. MONDELL. Will the gentleman from Illinois allow me?

The CHAIRMAN. Will the gentleman yield?

Mr. MANN. Certainly. I am willing to receive information.

Mr. MONDELL. The gentleman from Idaho [Mr. SMITH], wanting to be exceedingly fair, only referred to water-right repayment—that is, repayment of the building charge. There was another item of \$1,764,962.48 in the last year, a very large proportion of which is water rental.

Mr. MANN. That is for the operation.

Mr. MONDELL. That is for operation and rental.

Mr. MANN. That is not paid back into the reclamation fund, and the gentleman from Wyoming, with all his acumen, ought not to attempt to mislead me on the subject.

Mr. MONDELL. I am not attempting to mislead the gentleman. I could not if I would, and I would not if I could. The money, in the first instance, is paid out for a certain purpose and paid back with a profit. In other words, they paid back the cost of maintenance and some more, and nearly three-quarters of a million on the building charges.

Mr. MANN. Why, Mr. Chairman, we have reached that point where our friends from the West in their zeal compliment themselves that they even pay the operating expenses of these water-power and reclamation projects. I have no doubt that they will continue to do that during this generation, or, it may be, if my friend from Wyoming remains in the House long enough he will want the General Government to pay the operating expenses as well as the original cost.

Mr. MONDELL. Will the gentleman allow me?

Mr. MANN. Certainly.

Mr. MONDELL. I want to make this suggestion. I have made it to him before, but I hope this time he will remember it. The only difficulty we have had in the West with regard to repayments; that is, the only arguments that have been made by the farmers at any time against repayments have been by quoting Members on the floor of the House, among others my friend from Illinois [Mr. MANN], to the effect that they did not expect the money would ever be paid back. And every time a statement of that kind is made it goes out into our country. And, of course, there are some people everywhere who would like to escape their debts, which makes it more difficult to make these collections. I hope we will not hear any more of it.

Mr. MANN. If I make it more difficult to make collections the gentleman ought to get busy, then.

Mr. JOHNSON of Washington. Mr. Chairman, I rise to oppose the amendment, and to discuss for a few moments the difficulties which result where the income from resources on Federal domain in the far Western States is taken into the United States Treasury, there to be held for a time and then a portion of it to be returned to some other Federal activity.

In the amendment now under consideration it is proposed to place in the Federal Treasury all of the moneys received from long-term leases of mining land. Do this, and how may the Western States hope for any return from resources within their own boundaries? True, these resources belong to the Federal Government, and we so acknowledged in accepting our enabling acts, but we have felt that the United States Government meant "to have and to hold" them only until we became

of age, and that ultimately we might come into our own. But under a 50-year renewable leasing system we never shall. And now the amendment just offered proposes to take all of the proceeds from the leases away from the States. Could anything be more unfair?

These debates as to where the lease money for water-power sites on the nonnavigable streams, and for coal lands, and for mining generally, will be read with much interest by the people of the State that I have the honor in part to represent. We have had some experience with the pay-back-the-money scheme. We receive 25 per cent of the sales of timber in the Federal forest reserves. That per cent comes back to the particular counties which have area in the particular forest reserve from which the timber has been sold.

That seems simple; but, so far as I can learn, there has always been a misunderstanding among the people of Washington about it. Many think that all of the 25 per cent from all the reserves in the State of Washington is divided among all the counties which have territory in the reserves. But this is not the case. A sale of timber in Jefferson County in no way benefits Okanogan County. No part of the return from that sale goes to any county except the three other counties which, along with Jefferson, have area in the great Olympic Forest Reserve, which itself comprises 1,652,000 acres. The 25 per cent of that Jefferson County sale goes to Clallam, Jefferson, Mason, and Grays Harbor Counties, in proportion to their area in that reserve, which is as follows:

County.	Acres.	Per cent of area.
Jefferson.....	709,575	48.75
Clallam.....	442,410	30.40
Mason.....	172,497	10.53
Grays Harbor.....	172,454	10.32

Mr. Chairman, in the State of Washington there are 11 forest reserves. One runs over into Idaho and one runs into Oregon. According to the statement I hold in my hand there has been returned to the forest reserve counties of the State of Washington for eight years ending June 30, 1915, the sum of \$215,744.12. This is an average of \$26,968 per year. There are 25 forest reserve counties in the State of Washington. If that \$26,968 had been divided equally among them, each forest reserve county would have received \$1,000 a year. But the fund is not divided that way. Olympic National Forest sales provide a 25 per cent return to Olympic National Forest counties. For instance, Mason County in 1913 received as its share of the 25 per cent the great sum of \$24.65. Think of it, \$24.65—for what? To quote the words of the act of Congress, February 1, 1905, "for benefit of the public schools and public roads." The total sum returned to the State that year as 25 per cent was \$33,109.69.

Mr. Chairman, I have stated as clearly as I could the distribution of the 25 per cent fund. For lack of time I have not discussed the additional 10 per cent which the Forest Service receives for a road and trail fund, to use as it pleases in any forest reserve in the State. For the present, let me say that to date none of that 10 per cent has been used in the Olympic reserve. Now, let me state the distribution in other words by reading the exact language of this paper, signed by C. B. Kegley, master of the Washington State Grange, and by F. W. Lewis, secretary. The introduction says:

STATEMENT OF FOREST RESERVE FUNDS.

An act of Congress, approved February 1, 1905, reads as follows: "That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated."

As a result of this act there has been paid to the State of Washington 25 per cent of receipts from national forest reserve, as follows:

Fiscal year:	
1908.....	\$13,855.31
1909.....	16,017.56
1910.....	23,671.89
1911.....	24,111.36
1912.....	31,895.21
1913.....	33,109.69
1914.....	35,637.54
1915.....	37,445.56

Total for 8 years..... 215,744.12

The Agricultural appropriation act for 1913 authorized the setting aside of the road and trail fund, 10 per cent of receipts, for the fiscal year 1912:

"That an additional 10 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1912, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practi-

cable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may become a part."

The appropriation act for 1914 contained a similar provision and continued it to subsequent years.

The road and trail fund, 10 per cent, for Washington is as follows:

Fiscal year:	
1912	\$12,759.08
1913	13,243.88
1914	14,255.02
1915	14,978.23
Total	55,236.21

The fund derived under this provision of law is not distributed among the forests according to collection, but is regarded as a State fund, to be expended on the forests where it appears it will be of most advantage to the State in general.

Then follows a long dash, and the following:

Congressman ALBERT JOHNSON proposes in a bill recently introduced to build a part of the Olympic highway along the western side of the Olympic Peninsula by a loan to the State of Washington from the National Government, the total sum to be repaid through a reduction of the school and road moneys paid the State by the Forest Service.

The forest reserves in Washington are located in 25 counties, each receiving its share of the 25 per cent forest reserve fund for public schools and public roads. The counties reached by this proposed highway would be three—Clallam, Jefferson, and Grays Harbor (formerly Chehalis). Twenty-two counties are to be asked to yield their share of school and road funds in order that three may have this highway.

Note again carefully the provisions for use of road and trail fund, which does not revert to counties but may be used where it appears it will be of most advantage to the State in general.

As a matter of fact, Mr. Chairman, just four counties would be called on to pay back—Clallam, Jefferson, Grays Harbor, and Mason—after five years, at a rate of 15 per cent of the 25 per cent they received from forest-reserve sales. The statement of the grange continues as follows:

Why should Okanogan County, receiving in 1915 \$12,121.90 for schools and roads, be asked to build a highway on the Olympic Peninsula? Why should Ferry, Chelan, Stevens, and Pend Oreille yield their school and road funds for an Olympic Highway?

And, indeed, why should they? It is not proposed that they should. If the forest-reserve counties of the State received as 25 per cent in 1915 the sum of \$37,445.56 and Okanogan County received \$12,121.90, it is very plain that the Okanogan reserve had large sales, while the 10 other reserves had small sales. In fact, the four counties in the Olympic reserve received in 1915 a total of only \$4,494.75. They got nothing from the Okanogan sales, and if there shall be big sales in 1916 Okanogan will receive no part of their 25 per cent.

Now, then, Mr. Chairman, we come to the resolutions, of which what I have read seem to be a sort of argument and introduction. I quote:

Whereas Congress has appropriated 25 per cent of receipts from national forest resources to the counties of our State in which forest reserves are located, to be used for public schools and public roads within said counties; and

Whereas these counties, 25 in all, need every dollar they can get for the development of schools and roads within their borders; and

Whereas Congressman JOHNSON proposes by a bill introduced in Congress to secure a loan from the National Government to construct a section of Olympic Highway through Clallam, Jefferson, and Grays Harbor Counties, the same to be repaid by deductions from the 25 per cent forest reserve fund appropriated for use of schools and roads in each county; and

Whereas this would deprive the people of 22 counties not benefited by said highway of their just share of funds for schools and roads for a number of years; and

Whereas Congress has further provided that 10 per cent of forest resources be used for roads and trails, to be expended on the forests where it will be of most advantage to the State in general, thus providing a fund for such highway, if it is deemed advisable: Therefore be it

Resolved, That we are opposed to diverting any moneys from the schools and roads of the respective counties for a highway fund such as proposed in Congressman JOHNSON's bill.

Adopted by the Washington State Grange executive committee, in session this 6th day of January, 1916.

C. B. KIGLEY, Master.
F. W. LEWIS, Secretary.

Now, you see, Mr. Chairman and Members, the State grange, an important organization in my State, has the impression that the funds returned to the Olympic Forest Reserve counties are scattered among 25 forest reserve counties, where, as a matter of fact, all except four of the counties participate in other forest reserve funds. That is what we get into when we take money away from a State and attempt to parcel it back in dabs and dribbets.

I am glad the grange has called attention to the bill for building roads in and adjacent to the forest reserves. It will result in good discussion and better understanding.

How are we going to get roads into, around, or through these great areas?

The States should not be asked to build them.

The 25 per cent return is not enough to build them.

The additional 10 per cent is handled by the Forest Service in its own way.

The United States Treasury gets and keeps 65 per cent of our forest sales. We want to borrow it without interest, the counties benefited to pay it back by letting the Government withhold 10 per cent of the 25 per cent after five years. We propose to use the first available \$100,000 for the Olympic National Forest, the next \$100,000 for the Columbia National Forest, the third \$100,000 for Rainier or some other of the 11 great reserves in our State—any one—I do not care which, if we can get started. Then the grange and other organizations will be among the first to indorse this rational plan for Government aid for roads into or adjacent to Government property.

No; I am not afraid that these western organizations will continue to oppose this measure, but I am afraid that eastern Congressmen, who do not understand the difficulties of long-range Federal control—3,200 miles in this case—will oppose, and will go on passing bills to hang us up, blight our prospects, and take away the income from the resources within our boundaries.

It will not be very many years before just such problems as now confront the Forest Service will confront the department handling this leasing scheme. The Forest Service says that it must have money to build some trunk-line roads through forest reserves, and the only way they can see that they can get it is from the money which comes in through the sales of forest-reserve timber.

Mr. Chairman, I ask leave to extend my remarks by inserting a copy of House bill 6867.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the Record by inserting the bill referred to by him. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. The bill referred to is as follows:

A bill (H. R. 6867) to advance to the State of Washington the sum of \$100,000 for the construction of a road within and adjacent to the Olympic National Forest.

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to expend from moneys received during the fiscal year ending June 30, 1916, from the national forests in the State of Washington, exclusive of the 25 per cent of receipts now paid to the State for the benefit of public schools and public roads under the act of May 23, 1908 (34 Stat., p. 251), and the 10 per cent of receipts expended under the act of May 10, 1912 (37 Stat., p. 269), in the construction of roads and trails, not exceeding \$100,000 for the construction of a road approximately 60 miles in length between Quinalt, Grays Harbor County, and Forks, Clallam County, within and adjacent to the Olympic National Forest, in the State of Washington, said road to be a continuation of the State road known as the Olympic Highway.

Sec. 2. That, beginning with the fiscal year ending June 30, 1922, in lieu of the 25 per cent to be granted the State of Washington under the act of May 23, 1908, out of receipts from the Olympic National Forest, there shall be granted the State of Washington 10 per cent of the gross receipts until such time as is provided for in section 3 of this act for the benefit of the public schools and public roads in the counties in which the aforesaid national forest is situated.

Sec. 3. That when the Secretary of Agriculture shall notify the Secretary of the Treasury that the 15 per cent of the gross receipts from the Olympic National Forest which is withheld under section 2 of this act amounts to \$100,000 the reduction hereby made in the percentage to be paid to the State of Washington under the act of May 23, 1908, shall no longer apply.

Mr. RAKER. Mr. Chairman, I am not sure whether or not I got consent to insert them, or whether it was in my statement that the tables referred to by me under this report, Document No. 58, Sixty-fourth Congress, first session, would be inserted in the RECORD. I made a statement based upon them, and I ask unanimous consent that the tables be inserted in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert certain tables in the RECORD. Is there objection?

There was no objection.

Following are the tables referred to:

COLLECTIONS.

The two tables below give information as to collections that have been made under the reclamation operations. Table 14 gives an analysis of the sources of all cash collections to June 30, 1915, while Table 15 gives, by projects, the amount collected for water-right charges.

TABLE 14.—Analysis of cash collections by fiscal years to June 30, 1915.

Sources.	Fiscal years 1903-1914.	Fiscal year 1915	Total.
Miscellaneous sales	\$1,343,272.12	1383,342.20	\$1,726,614.32
Miscellaneous services	3,552,106.38	785,091.08	4,137,797.46
Temporary water rentals	2,204,723.43	102,805.65	2,707,529.08
Transportation refunds	260,464.86	31,215.59	291,680.45
Foreitures by bidders and contractors	78,588.71	100.00	78,688.71
Power and light	499,104.01	260,614.45	759,718.46
Water-right construction charges	3,102,331.59	473,137.31	3,575,468.90
Water-right operation and maintenance charges	1,895,847.84	171,407.23	2,067,255.07
Overdisbursements	34,030.63	1,193.51	35,224.14
Total	12,970,469.57	2,409,507.02	15,379,976.59

TABLE 15.—Collection of water-right charges by projects to June 30, 1915.

State and project.	Construction charges.		Operation and maintenance charges.		Total.	
	Fiscal year 1915.	To June 30, 1915.	Fiscal year 1915.	To June 30, 1915.	Fiscal year 1915.	To June 30, 1915.
Arizona: Salt River.....		\$100,000.00				\$100,000.00
Arizona-California: Yuma.....	\$72,479.43	215,901.69		\$44,345.55	\$72,479.43	260,247.24
Idaho: Minidoka.....	23,657.48	398,456.51	\$24,728.95	259,209.60	48,386.43	657,666.11
Kansas: Garden City.....		142.50		104.50		247.00
Montana:						
Huntley.....	14,819.45	255,681.82	14,122.84	95,756.22	28,942.29	351,438.01
Sun River.....	17,791.60	110,166.95	2,648.25	36,851.16	20,439.85	147,018.11
Montana-North Dakota: Lower Yellowstone.....	1,117.52	34,948.07	333.05	36,144.49	1,470.57	71,092.57
Nebraska-Wyoming: North Platte.....	53,526.51	237,121.61	22,706.13	274,142.49	76,232.64	511,264.10
Nevada: Truckee-Carson.....	29,044.63	264,335.17	21,431.40	157,653.14	50,476.03	421,988.31
New Mexico: Carlsbad.....	8,552.81	119,332.11	11,734.58	124,334.47	20,287.39	243,666.53
North Dakota: North Dakota Pumping.....	1,165.39	7,847.52	340.35	13,307.15	1,505.74	21,154.67
Oregon: Umatilla.....	8,725.10	196,112.26	6,364.16	65,096.61	15,089.26	261,208.87
Oregon-California: Klamath.....	11,014.88	277,705.88	1,679.02	110,624.25	12,693.90	388,330.13
South Dakota: Belle Fourche.....	25,508.64	133,622.50	15,733.19	106,837.06	41,241.83	240,459.55
Washington:						
Okanogan.....	77.63	24,549.33		35,492.62	77.63	60,011.95
Yakima storage.....	100,000.00	100,000.00			100,000.00	100,000.00
Sunnyside.....	41,195.76	633,530.91	34,961.69	477,296.88	76,157.45	1,110,827.79
Tieton.....	34,395.06	225,484.81	1,445.89	124,939.68	35,840.95	350,424.49
Wyoming: Shoshone.....	30,065.42	240,529.26	13,157.73	105,119.20	43,223.15	345,648.45
Total.....	473,137.31	3,575,468.90	171,407.23	2,067,255.07	644,544.54	5,642,723.97

State and project.	Refunds.						Net collection of water-right charges to June 30, 1915.
	Construction charges.		Operation and maintenance charges.		Total.		
	Fiscal year 1915.	To June 30, 1915.	Fiscal year 1915.	To June 30, 1915.	Fiscal year 1915.	To June 30, 1915.	
Arizona: Salt River.....							\$100,000.00
Arizona-California: Yuma.....							260,247.24
Idaho: Minidoka.....		\$234.10		\$18.00		\$252.10	657,414.01
Kansas: Garden City.....		142.50		104.50		247.00	
Montana:							
Huntley.....	\$268.50	603.39	\$30.00	96.97	\$298.50	700.36	350,737.68
Sun River.....		755.85		125.97		881.82	146,136.29
Montana-North Dakota: Lower Yellowstone.....							71,092.56
Nebraska-Wyoming: North Platte.....	107.60	229.60		24.40	107.60	254.00	511,010.10
Nevada: Truckee-Carson.....		210.00		42.00		252.00	421,736.31
New Mexico: Carlsbad.....							243,666.58
North Dakota: North Dakota Pumping.....		129.20		23.80		153.00	21,001.67
Oregon: Umatilla.....		63.00		9.55		72.55	261,136.32
Oregon-California: Klamath.....		186.00		18.00		204.00	388,126.13
South Dakota: Belle Fourche.....	260.00	260.00	5.87	5.87	265.87	265.87	240,193.69
Washington:							
Okanogan.....				52.50		52.50	59,989.45
Yakima storage.....							100,000.00
Sunnyside.....		1,874.60		542.45		2,417.05	1,108,410.74
Tieton.....		762.60				762.60	349,661.89
Wyoming: Shoshone.....		1,187.52		257.02		1,444.54	344,203.92
Total.....	636.10	6,638.36	35.87	1,321.03	671.97	7,959.39	5,634,764.58

Mr. GREEN of Iowa. Mr. Chairman, if the chairman of the committee will permit me, I wish to say that in discussing the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD]—

Mr. FERRIS. Mr. Chairman, will the gentleman yield there?

Mr. GREEN of Iowa. Yes.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, that at the expiration of six minutes, five minutes to be controlled by the gentleman from Iowa [Mr. GREEN] and one minute by the gentleman from Colorado [Mr. TIMBERLAKE], the debate close on this section and all amendments thereto.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, in reply to a question asked me by the gentleman from Oklahoma [Mr. FERRIS], through inadvertently leaving out several words my remarks were susceptible to a construction that I did not at all intend, and doubtless they seemed quite discourteous to the gentleman from Oklahoma. If the gentleman from Oklahoma failed to apprehend the point I was endeavoring to make, it was undoubtedly entirely my fault and not his.

I wish to say to the gentleman from Oklahoma that nothing was further from my intention than to reflect in the least upon his ability or upon his fitness to manage the bill which is now before the House.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. FERRIS. I can assure the gentleman that I took no offense at what he said. I knew the gentleman was trying to

accomplish something that he believed was meritorious, and I had no feeling about it. In fact I had forgotten what the gentleman said.

Mr. GREEN of Iowa. I am very glad to hear it, Mr. Chairman, and the statement I make is not necessary in behalf of the gentleman from Oklahoma, whose ability is well known by the Members of this House and whose courtesy is always uniform toward all Members. But I thought it was due to this House and to myself also to make this statement.

Mr. TIMBERLAKE. Mr. Chairman, I am very much interested in the amendment that was offered by the gentleman from Wyoming [Mr. MONDELL], but I do not desire at this time further to enter into a discussion of the merits of that amendment.

I want to enter my protest against the general provisions of this bill, which are felt so keenly by my State, and I desire at this time to join the ranks of such Members of this House as have from time to time quoted Scripture in justification or explanation of their position. I refer you to the fourth Psalm and second verse, where you will find this language:

O ye sons of men, how long will ye turn my glory into shame?
How long will ye love vanity and seek after leasing? Selah.

[Laughter.]

Now, gentlemen, the proponents of this measure may find their faith shaken in their present course in the fifth Psalm and sixth verse:

Thou shalt utterly destroy them that speak leasing.

[Laughter.]

Gentlemen, I have warned you. Take due notice and govern yourselves accordingly. [Laughter.]

The CHAIRMAN. The time of the gentleman from Colorado has expired. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 31. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 27, line 8, strike out the figures "31" and insert the figures "30."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

Page 27, line 11, add a proviso, as follows:

"Provided, That nothing in this act shall be construed or held to confer or limit the rights of the States or other local authority from exercising any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee."

Mr. MANN. Mr. Chairman, the language here is that "nothing in this act shall be construed or held to confer or limit," and so forth. If it neither confers nor limits, what does it do? What is the use of putting a thing in that shows on its face it neither goes forward nor backward?

Mr. FERRIS. Mr. Chairman, may I reply to the gentleman just a word?

Mr. MANN. Yes.

Mr. FERRIS. My notion is very much like the gentleman's as to this language. A letter came from the Acting Director of the Reclamation Service which purported to hold and to say that the improvements on reclamation projects could not be taxed, and—

Mr. MANN. I understand the point of that. If the language of the bill should be that "nothing should be construed or held to limit the rights of a State," that would be intelligible; but if you say "shall not confer"—

Mr. FERRIS. I do not believe in conferring any additional rights on the State to tax Government property. Of course, I am not in favor of taking any rights away.

Mr. MANN. This is not a right to tax Government property. It seems to me the use of the language in the bill may be inimical to the purposes for which it is used. The purpose, as I understand, of this provision is not to interfere by any action with the rights of the States to levy taxes against this property.

Mr. FERRIS. We wanted to completely hurdle that question.

Mr. MANN. But when you say nothing in the act shall confer a right, you may thereby be denying the right of the States.

Mr. FERRIS. We did not intend to do that. Personally, I may say, I would like to see the language go out, but there are some members of the committee who feel keenly about it and desire to have it retained. However, in my opinion, it does not amount to anything. There is a wide difference of opinion about the question of taxation, not only in the committee but in the department. I personally think we ought not to confer any more rights than the States have, or take any away. This is primarily a leasing bill, and we did not want to legislate on the subject at all. We can not cure all the ills in this bill and we wanted to leave it absolutely alone.

Mr. MANN. I suppose we are all agreed that if the lessee puts up a plant under the terms of this act, his plant is subject to State taxation?

Mr. FERRIS. I think there is no doubt about that, and I have brief here to show it.

Mr. MANN. I suppose we all agree about that, and it was not the design at all to prevent the State from taxing the improvements on the plant of the lessee. While it could not tax the land to the extent that it could sell the land for taxes and take away the Government title, it could tax it as to anything else.

Mr. FERRIS. And that ought to be so.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion?

Mr. MANN. Certainly.

Mr. TAYLOR of Colorado. I will say that I am probably responsible for having this language inserted here. I did not like the word "confer" in there, but the committee insisted upon that. As stated by the chairman of the committee, there was a decision issued and published in the regular December number of the Reclamation Record, by the chief counsel of the Reclamation Service (Mr. King), holding that the States or counties had no authority to tax improvements upon any of the homesteads

under reclamation projects until final proof, and he said he believed not until patent issued.

Mr. MANN. I understand. I was not objecting to that part of the language.

Mr. TAYLOR of Colorado. Just a moment. My thought about the matter was that that to a certain extent unsettled the subject out there, and we did not want Congress to be legislating in any way that might be construed as an acquiescence in that construction.

Mr. MANN. The gentleman from Wyoming [Mr. MONDELL] makes a suggestion which may be proper, to strike out the language "confer or limit" and insert the word "affect," so that it would read:

Provided, That nothing in this act shall be construed or held to affect the rights of the States—

And so forth.

Mr. TAYLOR of Colorado. I think that would be a very proper amendment.

Mr. FERRIS. I think the suggestion is good, and we would be glad to adopt the gentleman's language. I would be glad if the gentleman would offer that amendment.

The CHAIRMAN. Does the gentleman from Illinois offer an amendment?

Mr. MANN. I move to amend the amendment by striking out, in line 12, the words "confer or limit" and inserting the word "affect."

Mr. FERRIS. That is undoubtedly better.

Mr. COOPER of Wisconsin. You will have to follow that by striking out the words "from exercising" and inserting the words "to exercise."

Mr. MANN. That will come in as a separate amendment later.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the amendment on page 27, line 12, by striking out the words "confer or limit" and inserting the word "affect."

The amendment to the amendment was agreed to.

Mr. FERRIS. The gentleman from Wisconsin has an amendment.

Mr. MANN. It is to strike out the words "from exercising," in line 13, and inserting the words "to exercise."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 13, strike out the words "from exercising" and insert the words "to exercise."

The amendment to the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I do not believe the record should stand quite as it would stand with the statement of the gentleman from Colorado [Mr. TAYLOR] as to the opinion that he refers to. I understood him to say that it was a decision of the department with reference to this question of the right of taxation. The fact is that it was a voluntary letter written by a lawyer in the Reclamation Service. It is not an official decision of the department, and I think I am safe in saying that the department has not in any way ratified that opinion.

Mr. TAYLOR of Colorado. Let me suggest to the gentleman from Wisconsin that that is correct. I wrote to the Secretary of the Interior and asked whether or not the Interior Department approved of that decision by Mr. King, and I have just to-day received a letter, signed by Secretary Lane, in which he says that the Interior Department does not approve of it, and he inclosed me a copy of a lengthy brief on the subject. But, nevertheless, that has gone out as an official opinion, and has had a tendency to disturb things throughout the reclamation projects. Secretary Lane's letter to me is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 12, 1916.

HON. EDWARD T. TAYLOR,
House of Representatives,
Washington, D. C.

MY DEAR MR. TAYLOR: I am in receipt of your letter of December 30, 1915, calling attention to a letter addressed by the chief counsel of the Reclamation Service to Mr. Samuel L. McGee, of Pomona, Cal., copy of which letter is printed in the Reclamation Record for the month of December, 1915. The letter expressed the opinion that certain improvements upon lands within reclamation projects, the title to which remains in the United States, are not taxable by the States.

As I understand it, this letter simply represents the individual opinion of the writer, and is not a decision of this department, nor does it involve a matter in which it has jurisdiction. As you will perceive, it can be nothing but an opinion, because ultimately the question of whether the improvements upon homesteads, mining, or other claims, the legal title to which still remains in the United States, may be taxed must be determined by the courts, should the parties interested resist payment of the taxes. A memorandum prepared for me by one of the attorneys in this department, copy attached, appears to support the right of the State to tax improvements, citing numerous decisions of the Federal and State courts in support of this view.

It is a fact that for many years various Western States have recognized the right of taxation over improvements upon public lands included in pending claims, the legal title to which has not passed from the United States, and authorities, including those cited in the attached memorandum, indicate that this right has been sustained by the State and Federal courts in numerous instances.

Cordially, yours,

FRANKLIN K. LANE.

Mr. FERRIS. I have the letter and a copy of the brief referred to by the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Colorado [Mr. TAYLOR], and think it would be well to let them go into the RECORD. Unless there be objection, I will insert them in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that certain documents referred to by him may be printed in the RECORD. Is there objection?

There was no objection.

The documents referred to are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 6, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: My attention has been recently called to a letter addressed by the chief counsel of the Reclamation Service to Mr. Samuel L. McGee, of Pomona, Cal., a copy of which is printed in the Reclamation Record for the month of December, 1915, the letter expressing the opinion that improvements upon lands within reclamation projects, the title to which remains in the United States, are not taxable by the State in which situated.

As I understand it, this letter simply represents the individual opinion of the writer, and is not a decision of this department in the broad sense, nor does it involve a matter over which this department has jurisdiction. As you will readily perceive, it can be nothing but an opinion, because ultimately the question of whether improvements upon homesteads, mining, or other claims, the legal title to which still remains in the United States, may be taxed must be determined by the courts, should persons taxed resist payment thereof. I have had the general subject investigated, however, by one of the attorneys in this department, and attach a memorandum citing various authorities, which would seem to support the right of the States to tax such improvements, among the cases cited being that of *Forbes v. Gracey* (94 U. S., 762), which held that not only the mineral output but the value of the possessory right might be made the subject of taxation. See also case of *Elder v. Wood* (208 U. S., 226) and other cases cited in the memorandum.

The fact is that for many years the various Western States have exercised the right of taxation over improvements upon public lands included in claims, the legal title to which has not passed from the United States, and the authorities, including those cited in the attached memorandum, indicate that this right has been sustained by both State and Federal courts in numerous instances.

Cordially, yours,

FRANKLIN K. LANE.

MEMORANDUM.

The water-power bill, considered by Congress at the last session and proposed to be reintroduced at the coming session of Congress, contemplates the granting of the right to use public lands for the generation, development, and transmission of hydroelectric power for periods of 50 years, the right to be at the expiration of the period named, and at the option of the United States, renewed to the original permittee or lessee, or taken over by the United States upon payment to the original permittee of the fair value of all property other than public lands or rights, or the granting of a similar permit to a third party, on condition that he pay for the properties. The bill also provides for the payment of a charge or rental for the lands permitted to be used, which may be measured by the power developed and sold. The so-called general leasing bill contemplates the leasing of the fuel and fertilizer minerals, coal, gas, oil, phosphate, and nitrates upon a royalty basis, the proceeds to be divided between the States and the reclamation fund. In connection with these measures some question has arisen as to whether the exaction of a Government rental or charge will prevent the States wherein the lands are situated from taxing the improvements, rights, and interests or products of the permittees or lessees.

TAXING POWER OF STATES.

The taxing power of a State is one of its attributes of sovereignty. And where there has been no compact with the Federal Government or cession of jurisdiction for the purposes specified in the Constitution, this power reaches all the property and business within the State which are not properly denominated the means of the General Government, and as laid down by this court it may be exercised at the discretion of the State. (*Nathan v. Louisiana*, 8 How., 73; 17 U. S., 505.)

It being the policy of the law to tax all property not expressly exempted, it is incumbent on one claiming an exemption to find and point out an express constitutional or statutory exemption. (*State v. Holcomb*, *Cudahy Packing Co.*, *Intervenor*, 106 Pac., 1030; *Kans.*)

PUBLIC LANDS AND FEDERAL AGENCIES NOT TAXABLE.

Lands belonging to the United States can not be taxed by a State (*United States v. Southern Oregon Co.*, 196 Fed., 423); and lands allotted to Indians, but held in trust by the United States, as well as personal property purchased for and furnished to the Indians with money of the Government are not taxable (*United States v. Rickert*, 188 U. S., 432); nor can a Federal instrumentality acting under congressional authority be subjected to an occupation or privilege tax by a State (*Choctaw, Oklahoma & Gulf R. R. Co. v. Harrison*, 235 U. S., 292).

The franchise of a corporation of the United States is not subject to taxation by a State. (*Central Pacific Railroad Co. v. California*, 162 U. S., 91.)

PROPERTY AND POSSESSORY RIGHTS TAXABLE.

But the property of agencies of the United States, of companies holding franchises from the United States, and rights and interests in or to public lands, separable and assessable separate and apart from such lands, are subject to taxation. (*Id.*)

Possessory rights in public lands are a kind of property recognized as such since the earliest days of this Government. (*Lamb v. Davenport*, 18 Wall., 307.)

In the case of *Forbes v. Gracey* (94 U. S., 762), involving the taxation not only of the mineral output, but of the value of the possessory right of the Consolidated Virginia Mining Co. in the Comstock lode, the Supreme Court of the United States said:

"As we construe the statutes of the United States and the recognized rule of the Government on this subject, the moment this ore becomes detached from the soil in which it is embedded it becomes personal property, the ownership of which is in the man whose labor, capital, and skill has discovered and developed the mine and extracted the ore or other mineral product. It is then free from any lien, claim, or title of the United States and is rightfully subject to taxation by the State as any other personal property is."

In the same case, speaking of possessory rights in and to mining claims, the court said:

"Those claims are the subject of bargain and sale and constitute very largely the wealth of the Pacific Coast States. They are property in the fullest sense of the word. . . . Why may it not also be made subject to a lien for taxes, and the claim, such as it is, recognized by statute, be sold to enforce the lien? We see nothing in principle or in any interest which the United States has in the land to prevent it."

In the case of *Elder v. Wood* (208 U. S., 226), involving an interest in a mining claim in Nevada which had been sold for taxes, the Supreme Court of the United States, speaking of the opinion of the State court, said:

"That court held what was assessed was not the land on which the mining claim was located, but the claim itself; that is to say, the right of possession of the land for mining purposes. It is agreed that the Comstock lode was a 'valid subsisting mining location,' and at the time of the assessment of the tax *Wilhelmina Gude* was the owner of the undivided interest in it which is in controversy here. Such an interest from early times has been held to be property distinct from the land itself, vendible, inheritable, and taxable. (*Forbes v. Gracey*, 94 U. S., 762; *Bell v. Meagher*, 104 U. S., 279, 283; *Manuel v. Wulf*, 152 U. S., 505, 510; *St. Louis Mining Co. v. Montana Mining Co.*, 171 U. S., 650, 655; 1 *Lindley on Mines*, secs. 535-542, inclusive.) The State therefore had the power to tax this interest in the mining claim and enforce the collection of the tax by sale. The tax deed conveyed merely the right of possession and affected no interest of the United States."

See also *Goldfield Consolidated Co. v. State of Nevada* (127 Pac., 77); *Nephi P. & M. Co. v. Juab County* (93 Pac., 53, Utah).

TAXATION OF IMPROVEMENTS ON SURFACE OF UNPATENTED MINING CLAIMS.

In the case of *Cobban v. Meagher* (113 Pac., 290) the Supreme Court of Montana held:

"We can distinguish no difference between the use of the surface ground of a patented claim for other than mining purposes and that of an unpatented claim, and we therefore hold that the surface ground of an unpatented mining claim when used for other than mining purposes is subject to taxation in this State when it has a separate and independent value for such other purposes."

WATER RIGHTS TAXABLE.

Water rights held separate and apart from land are treated as separate property and taxable by the States. (*Wyoming Central Irrigation Co. v. Farlow*, 114 Pac., 635, Wyoming; *Murray v. Montrose County*, 65 Pac., 26, Colorado; *Helena Water Works v. Settles*, 95 Pac., 838, Montana; *California Water Co. v. Los Angeles County*, 101 Pac., 547.)

FRANCHISES GIVEN BY UNITED STATES NOT TAXABLE, BUT PROPERTY OF CORPORATION HOLDING FRANCHISE IS TAXABLE.

In the case of *Central Pacific Railroad Co. v. California* (162 U. S., 125), the Supreme Court said, referring to the previous decision of the court, reported in One hundred and twenty-seventh United States, pages 1, 38, 40:

"Thus it was reaffirmed that the property of a corporation of the United States might be taxed, though its franchises, as, for instance, its corporate capacity, and its power to transact its appropriate business and charge therefor, could not be. It may be regarded as firmly settled that although corporations may be agents of the United States, their property is not the property of the United States, but the property of the agents, and that a State may tax the property of the agents, subject to the limitations pointed out in *Railroad against Peniston*."

In the latter case (18 Wall., 5) the Supreme Court said, in substance, that the exemption of agencies of the United States Government from taxation by the State is dependent upon the question of whether or not the tax would deprive them of the power to serve the Government, and that a tax upon their property, having no such effect, and leaving them free to discharge the duties they have undertaken to perform, may be rightfully laid by the States.

PROPERTY NOT EXEMPT FROM TAXATION BECAUSE ON LANDS OF THE UNITED STATES.

The fact that under the right or permission accorded by the Revised Statutes of the United States a telegraph company occupies with its line post roads of the United States does not operate to exempt its property from taxation by a State, the Supreme Court holding in the case of *Western Telegraph Co. v. Massachusetts* (125 U. S., 530):

"The tax in the present case, though nominally upon the shares of the capital stock of the company is in effect a tax upon that organization on account of the property owned and used by it in the State of Massachusetts, and the proportion of the length of its lines in that State to their entire length throughout the whole country is made the basis for ascertaining the value of the property. We do not think that such a tax is forbidden by the acceptance, on the part of the telegraph company, of the rights conferred by No. 5263 of the Revised Statutes nor by the commerce clause of the Constitution."

Personal property upon Indian reservations is subject to taxation, the Supreme Court holding, in substance, that an act of the Legislature of Oklahoma Territory making cattle grazing on Indian reservations subject to taxation was legal and constitutional (*Thomas v. Gay*, 169 U. S., 264); and in the case of *Maricopa & Phoenix Railroad v. Arizona* (156 U. S., 347), holding that the property of a railroad company within an Indian reservation was subject to taxation by the Territorial government of Arizona:

"It is wholly immaterial whether the rights vested in the corporation by the act of Congress were rights of ownership or merely those which result from the granting of the easement. Whatever they were, they were taken out of the reservation by virtue of the grant and came, to the extent of their withdrawal, under the jurisdiction of the Territorial authority. The fact that Congress reserved the power to alter, amend, or repeal the statute in no way affected the authority of the Territory over the rights granted, although the duration of that authority may depend on the exercise by Congress of the rights reserved. The method

of assessing railroads provided for in the statute was to treat each road as a unit embracing the sum of its franchises, property, and rights. The division of the total amount of the one assessment of the property of the road into certain sums per mile was a mere method of stating the assessment and did not change the real unit forming the basis of taxation, the railroad in its entirety comprising every element entering therein which could be made assessable. This being the case, it was clearly lawful for the taxing authorities of the Territory to consider the rights granted by the act of Congress and enjoyed by the railroad in making up the sum of the assessment upon its total property."

See also *Utah & Northern v. Fisher* (116 U. S., 28); also *Rice v. Hammonds* (91 Pac., 698), holding personal property on a military reservation subject to taxation.

CONSTRUCTION OF IMPROVEMENTS UNDER DIRECTION AND AUTHORITY OF CONGRESS DOES NOT IN ITSELF EXEMPT THEM FROM TAXATION.

In the case of *Thomson v. Pacific Railroad* (9 Wall., 579) it was contended that the railroad having been constructed under the direction and authority of Congress for uses and purposes of the United States, and being a part of a system of roads so constructed, was exempt from taxation under State authority. The Supreme Court, in overruling this contention, held:

"No one questions that the power to tax all property, business, and persons within their respective limits is original in the States and has never been surrendered. It can not be so used, indeed, as to defeat or hinder the operations of the National Government, but it will be safe to conclude in general, with reference to persons and State corporations employed in Government service, that when Congress has not interposed to protect their property from State taxation such taxation is not obnoxious to that objection."

See also *Lane County v. Oregon* (7 Wall., 77); *National Bank v. Commonwealth* (9 Wall., 353).

INTANGIBLE PROPERTY IS SUBJECT TO TAXATION.

In the case of *Adams Express Co. v. Ohio* (166 U. S., 185), the Supreme Court held, according to the syllabus of the case:

"In the complex civilization of to-day a large portion of the wealth of a community consists of intangible property, and there is nothing in the nature of things or in the limitations of the Federal Constitution which restrains a State from taxing such intangible property at its real value. Whenever separate articles of intangible property are joined together, not simply by a community of ownership but in a community of use, there is not infrequently developed a property, intangible though it may be, which in value exceeds the aggregate of the value of the separate pieces of tangible property. Whatever property is worth for the purpose of income and sale it is worth for the purposes of taxation, and if the State comprehends all property in its scheme of taxation, then the good will of an organized and established industry must be recognized as a thing of value and taxable."

"COAL AND OTHER MINERALS ARE SUBJECT TO TAXATION BY THE STATES WHEN SEVERED FROM THE SOIL, WHETHER THEY BE ON PATENTED LAND, PUBLIC LANDS, OR LEASED LANDS."

"But it is insisted that the statute, rightly understood, prescribes only an ad valorem imposition on the personal property owned by appellant—the coal at the pit's mouth—which is permissible according to many opinions of this court." (*Choctaw & Gulf Railroad Co. v. Harrison*, 235 U. S., 298; *Kansas Natural Gas Co. v. Commissioners*, 89 Pac., 750; *Kansas v. Forbes v. Gracey*, supra.)

LEASEHOLDS TAXABLE.

In the case of *Trimble v. Seattle* (231 U. S., 683), involving property leased by the State, the Supreme Court said:

"If these leaseholds are not taxable, they are a favored class of property, for ordinary leaseholds are taxed, even if they are lumped and included in the value of the fee. When an interest in land, whether freehold or for years, is severed from the public domain and put into private hands the natural implication is that it goes there with the ordinary incidents of private property and therefore is subject to being taxed. See *New York ex rel. Metropolitan Street Railway Co. v. New York State Board of Tax Commissioners* (199 U. S., 1, 38.)"

FACT THAT TITLE IS REVERTIBLE DOES NOT EXEMPT FROM TAXATION.

In the case of *Baltimore Shipbuilding Co. v. Baltimore* (195 U. S., 375), there was a State tax levied upon a dry dock which was subject to certain duties to the United States. The title of the land on which the dry dock was built was a defeasible one, to revert to the United States on breach of the condition subsequent if the owner failed to discharge duties to the United States for a specified period. As this was an incomplete title, subject to reversion in case of default, the dry-dock company claimed it was exempt from State taxes. Speaking of the State's power of taxation, the court held:

"It may tax a life estate to one and a remainder to another and sell only the interest of the party making default. With regard to what the State of Maryland has done and what are the purport and attempted effect of the tax in this case we follow the court of appeals. That court treated the tax and the lien as going only to the dock company's interest in the land, although probably by an oversight it neglected to modify the judgment according to its own suggestion so as to show the fact. That only the company's interest was taxed is shown by the reduction of the assessment on account of the condition."

"In the next place, as to the interest of the United States in the land. This is a mere condition subsequent. There is no easement or present right in rem. The obligation to keep up the dock and to allow the United States to use it carries active duties and is purely personal. The property is subject to forfeiture, it is true, if the obligation is not fulfilled. But it is only by forfeiture that the rights of the United States can be enforced against the res. It would be a very harsh doctrine that would deny the right of the States to tax lands because of a mere possibility that they might lapse to the United States. The contrary is the law. The condition can not be extinguished by the State, but the fee is in the dock company, and that can be taxed and, if necessary, sold, subject to the condition. See *Northern Pacific Railway v. Myers* (172 U. S., 589, 598); *Malsh v. Arizona* (104 U. S., 589, 607-609); *Central Pacific Railroad v. Nevada* (182 U. S., 512, 523). The title of the dock company was not alienable, as that of the railroad was held to be in *Northern Pacific Railway v. Townsend* (190 U. S., 267)."

HARMONIOUS EXERCISE OF RESPECTIVE RIGHTS OF THE STATES AND OF THE FEDERAL GOVERNMENT.

In the State of Kentucky a tax was levied on the product of a distiller, whose produce lay in a bonded warehouse awaiting payment of

the revenue tax to the United States. The State law made the warehouseman liable for the State tax whenever the spirits were removed from bond and the United States tax paid. The State tax was resisted by the warehouseman after he had permitted the spirits to be withdrawn on the ground that the taxing power of the Federal Government, being paramount, was exclusive. The court refused to recognize this contention and held (*Thompson v. Kentucky*, 209 U. S., 340):

"There is no conflict between the State and Federal purpose. There is no question of the supremacy of the latter and its complete fulfillment. 'The State does not propose,' the court of appeals said, 'to collect the taxes so long as the spirits are in the custody or under the lien of the Federal Government.' There is actual accommodation, therefore, of the power of the State to the rights of the Federal Government, and a harmonious exercise of the respective sovereignties of each, preserving to each necessary power. * * *"

RIGHT OF TAXATION AS ESTABLISHED BY DECISIONS.

The foregoing decisions of the courts and others which might be cited seem clearly to establish the right of the several States to tax whatever may be held and regarded as rights or property, and this without respect to whether or not the right, easement, personal property, or other form of holding is or is not upon unpatented public lands of the United States or reservations.

APPLICATION OF THE PRINCIPLES LAID DOWN TO THE WATER-POWER AND GENERAL LEASING BILLS.

The water-power bill, as previously stated, contemplates the grant of the right to use public lands. The water right is to be obtained from the State. The dams, canals, pipe lines, and other conduits, power houses, the machinery therein, transmission lines, transformers, and other parts, and appurtenances of a complete power plant must be provided by the permittee and will be his property, so recognized in the proposed law, which stipulates that in the event of the taking over he must be compensated therefor. The output of energy or the profits and proceeds therefrom also constitutes another form of property, which, under the decisions, is clearly taxable. The general leasing bill provides for the leasing of the deposits hereinbefore enumerated on a royalty basis, and it is clear, under the foregoing decisions, that the buildings, machinery, railroads, tramways, pipe lines, and other parts of a complete mining plant are property which may be taxed by the States; also that the mineral, when severed, is, without question, subject to taxation.

The CHAIRMAN. The question is on the adoption of the amendment as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 32. That the deposits of coal, phosphate, oil, gas, potassium, and sodium, herein referred to, shall be subject to disposition only in the form and manner provided in this act, and all laws or portions of laws in conflict herewith are hereby repealed, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated.

Mr. FERRIS. Mr. Chairman, in line 17, page 27, I ask unanimous consent to change the section number from 32 to 31.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment to the section.

The Clerk read as follows:

Amend, on page 27, in line 18, by inserting after the word "to" the words "in lands valuable for such minerals."

The amendment was agreed to.

The Clerk read the following committee amendment:

In line 20, after the word "act," strike out the words "and all laws or portions of laws in conflict herewith are hereby repealed."

Mr. MONDELL. Mr. Chairman, is the chairman of the committee sure that this is a perfectly safe saving clause as amended? As it stood without the amendment, it seems to me, it might have been a safe saving clause, though not without question, but I am not so sure about it, as it will stand with the amendment, the language being—

That the deposits of coal, phosphate, oil, gas, potassium, and sodium, herein referred to, in lands valuable for such minerals shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated.

Now, the intent is that valid claims may be perfected under present laws, but that is so only as a sort of an inference, leaving a question as to what is to happen to valid claims now existent. It seems to me we must add something like this at the end of the paragraph:

Which claims may be perfected in accordance with the laws under which they were initiated—

If you are to strike out the words contained in the committee amendment, which I assume you have stricken out for some other reason than as affecting the saving clause. And at the end add:

May be perfected under such laws.

Referring back to the laws under which they were initiated, then you would have a perfectly good saving clause. Otherwise you are leaving it as a matter of inference how these claims may be perfected.

Mr. LENROOT. May I suggest to the gentleman that, with the expressly repealing language stricken out, there is an implied repeal of all laws that are inconsistent with the terms of this act.

Mr. MONDELL. Yes.

Mr. LENROOT. Now, any existing valid claims are not counted within the terms of the act, and there is no repeal of those existing laws so far as such claims are concerned.

Mr. MONDELL. Yes; but there is no statement of that fact. It is all left to inference. It seems to me there ought to be a definite statement in the saving clause.

Mr. MANN. Here is the meaning of it plainly: They first had in a repealing provision that would repeal laws under which these existing claims have now been made.

Mr. MONDELL. Except as to these certain claims.

Mr. MANN. No; it would repeal all laws, because they are in conflict with this law. Now they leave that out and say that this law shall apply to the disposition of deposits, except where claims are now made. The old laws still stand as to those claims which have now been made, because they are specifically repealed and because they do not conflict with this act, which does not apply to these claims at all.

Mr. MONDELL. I think that is a fair interpretation, but so much is left to inference.

Mr. MANN. But if the original provision about repeal had been in effect, then there would be nothing for these claimants to go on at all, because these laws would be repealed.

Mr. MONDELL. I think, as the section stood, the repeal would not have affected these claims at all, because they are excepted.

Mr. MANN. The gentleman makes the exception apply to the repeal, but I think it applies to the deposits.

Mr. MONDELL. I think the exception applies to the repeal.

Mr. MANN. I do not think that was the construction.

Mr. LENROOT. If the language remained in, the criticism might be that the section applied to the repeal, and that we had taken from the operation of the law the very deposit as to which there were valid existing claims.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman from Wisconsin or the gentleman from Oklahoma a question about the amendment in line 18—the language “in lands valuable for such mineral.”

The CHAIRMAN. That amendment has been adopted.

Mr. FERRIS. The committee inserted the language referred to for the reason that we did not want to require in the future everyone who took title to agricultural land to take out a limited patent. We took it up with the department, and they thought that it might have that effect, and so when lands only known to have some valuable mineral deposit are taken up will they have to have a limited patent.

Mr. COOPER of Wisconsin. But suppose land contains a deposit of oil, gas, potassium, or sodium, or coal, and a man wishing to patent it should go to the Secretary and say, “This contains little deposits, but not large enough to be ‘valuable.’” The Secretary could give him a patent under the general law.

Mr. FERRIS. They do that now.

Mr. COOPER of Wisconsin. Does not that open up an opportunity for fraud?

Mr. FERRIS. No; I do not think so. The surveyor goes on the land and declares it to be or not to be mineral land. The applicant later on has to prove whether it is valuable for mineral or not.

Mr. COOPER of Wisconsin. It does seem to me that this is not apt language to put into a law of this kind.

Mr. RAKER. There are many laws of that kind containing that language.

Mr. COOPER of Wisconsin. I care not how many laws there may be on the subject containing the same language. There are some laws that have permitted gross frauds on the Government. The question here now may be whether we should continue that sort of manipulation.

Mr. FERRIS. Oh, no.

Mr. COOPER of Wisconsin. Here is land, for instance, that is known to have a deposit of one of these minerals. A man goes to the office of the Secretary of the Interior and says, “This land contains deposits of such a mineral, but I do not think they are valuable.” He might get a patent under the general land law. It seems to me that it opens up an opportunity for gross fraud.

Mr. FERRIS. Still, if you adopt the gentleman's view of it, it would carry it too far. You would make every patent in the future a limited patent. In other words, no one could get a complete title to his land. I have no doubt what the gentleman says is true in a measure, that some lands may have oil or coal on them, although I think the Geological Survey knows where those deposits lie pretty accurately.

Mr. COOPER of Wisconsin. That is not the point. There can be a deposit on the land which the Geological Survey has pointed out, but the executive officer in the department might say,

although there is a deposit there, it is not valuable, and give an applicant a patent under the old land laws. It is a question of whether you wish to run the risk of having patents issued under the general land laws on any land in which there is known to be valuable deposits of oil, potassium, sodium, gas, and so forth.

Mr. FERRIS. I answer frankly that I do not; but still, if there was a little deposit of asphalt or a little lignite, I would not want to prevent a man's getting a patent and make him take out a limited patent.

Mr. MANN. Mr. Chairman, the question raised by the gentleman from Wisconsin [Mr. COOPER] is a fair and interesting one. Unless I am mistaken it is practically taken care of in the bill. My understanding is that the term “land valuable for certain minerals” is a term in use in the department, and has a well-defined meaning, and also in the statutes in relation to reservations. I understand that, without this language in the bill, if some one takes a homestead and eventually should find there a large or small amount of these deposits after obtaining a patent on it, he would not hold the title to it. Nobody could go on the land, because that would be a case where the Government had passed title to the surface. I do not know who would own the deposits. But the language “land valuable for such deposits” has a well-defined meaning, although otherwise it might be considered as loosely used.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. The gentleman is entirely correct. The Land Department, instead of referring to a certain tract as being coal or oil land, has for a great many years used the term “valuable for coal” and “valuable for oil.”

Mr. MANN. And we have used it in the statute.

Mr. MONDELL. Oh, many times.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Strike out the period at the end of line 24, page 27, and insert: “Which claims may be perfected under such law.”

Mr. FERRIS. Mr. Chairman, we will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CULLOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 406) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] There being none, the question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

STOCK-RAISING HOMESTEADS.

Mr. FERRIS rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. FERRIS. I rise to call up a privileged bill, H. R. 407, to provide for stock-raising homesteads, and for other purposes, and I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. STAFFORD. Mr. Speaker, I would like to inquire whether this bill was presented through the basket or as a privileged bill from the floor. I take it, if it was not presented as a privileged bill, it can not be considered as a privileged bill; that is, if it were presented through the basket. Of course I have no objection to the consideration of the bill, but I do not

believe it has a privileged status if the bill was not presented as a privileged bill in the House. I believe there are precedents to sustain that position.

The SPEAKER. The Chair can not inform the gentleman. What does the gentleman from Oklahoma say?

Mr. FERRIS. Mr. Speaker, I did not report it. I am informed that it went through the basket.

Mr. STAFFORD. I withdraw the point.

Mr. MONDELL. Mr. Speaker, it has been held several times that it is not necessary to report a bill from the floor in order to preserve its privilege.

The SPEAKER. There being no point of order made, the Chair is not going to rule upon it or listen to anyone talk about it. The question is on the motion of the gentleman from Oklahoma that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 407.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 407, with Mr. Cox in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded to read the bill.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask that the bill be read for amendment.

Mr. STAFFORD. One moment. I ask for recognition, if no member of the committee wishes to take the floor, to discuss the bill in a general way.

Mr. TAYLOR of Colorado. I will ask the gentleman from Wisconsin whether he wants to have general debate before we commence the reading of the bill for amendment?

Mr. STAFFORD. I do not know whether any time is desired on this side. My colleague informs me that no time is desired, but I think there should be some general debate in explanation of the bill, rather than rushing pell-mell into the consideration of the bill under the five-minute rule.

Mr. FERRIS. Mr. Chairman, the gentleman from Colorado reported the bill.

Mr. TAYLOR of Colorado. Mr. Chairman, by authority of the Public Lands Committee I have reported to the House this stock-raising 640-acre homestead bill. My printed report, containing some 18 pages, gives, I think, a very complete statement of the contents as well as the objects and purposes of the bill.

This bill has been before Congress for two years. This is almost an exact copy of the bill on this subject which passed this House a year ago next Tuesday, January 18, 1915. There has been a growing demand for this kind of a law for several years, and some of us have been diligently working upon and advocating this measure for two or three years. In fact, I introduced this bill in the Sixty-third Congress and the present bill, H. R. 407, is the same as my H. R. 15, introduced the first day of this session. So that the question of the advisability of providing for stock-raising homesteads is not a new subject before Congress. As stated by the First Assistant Secretary of the Interior, Mr. Jones, this measure has been in practical operation in the western third of Nebraska for nearly 12 years, and has been wonderfully successful and beneficial in the settlement and development of that former barren and sand-hill country.

The 320-acre enlarged-homestead act of February 19, 1909, has also been in practical operation for about seven years, and has brought about the settlement of hundreds of thousands of acres of land and made homes for tens of thousands of people and built up many hundreds of rich and prosperous communities through the dry farming of the land, which would be utterly barren to-day if it were not for the enactment of that law. So that for the past several years there has been a growing sentiment throughout the country and a very firm conviction in the public-land States of the West that the only possible way to bring about the settlement of a very large per cent of the remaining public domain is to provide a law whereby a settler can obtain a sufficient quantity of that character of land upon which to make a living for himself and family.

The 275,000,000 acres of public land unreserved and still open to settlement is fully 90 per cent arid and incapable of irrigation, and is, moreover, broken and very rough in character, and after an exhaustive investigation by agents of the Interior Department and thorough consideration of the subject by the people of the West it has become practically a unanimous sentiment that if certain portions of that land can be opened to entry

under a 640-acre stock-raising homestead law containing reasonable provisions, with which an entryman can comply, that a very large per cent of that remaining public domain can and will ultimately be settled in that manner and furnish homes thereon to many thousands of deserving people.

This matter was taken up and exhaustively considered by the Public Lands Committee of the House in the Sixty-third Congress. Hearings extending over several weeks and covering several hundred printed pages were held, and a large number of people made statements before the committee and introduced a large amount of documentary evidence. The bill is the result of the joint efforts of the committee and the Interior Department. Several of the western members of the committee have for two or three years been especially active in support of this measure. Congressman Fergusson, of New Mexico (since deceased), was at that time the author of the bill that was considered by the committee. He devoted an immense amount of time, energy, and painstaking service to the hearings and preparation of the data in support of this bill. His whole heart was in the measure, and when this bill is enacted into law the entire West will owe a debt of gratitude to Harvey B. Fergusson. He reported the bill out for the committee May 6, 1914, his report thereon being No. 626 of the Sixty-third Congress, second session. That report contains the reports of the Secretary of the Interior and other valuable data upon this subject. That bill was considered by the House and passed unanimously January 18, 1915. As stated by the commissioner, it was favorably reported by the Senate Public Lands Committee, but owing to the long debate upon the shipping bill, and there being a large number of other important measures upon the Senate Calendar ahead of it, the bill failed of passage.

The present bill as introduced is an identical copy of the bill as it passed the House during the last Congress. Copies of this same bill have also been introduced in this Congress by several other Members, and one or two Members also had the same or similar bills in the Sixty-third Congress. This bill is necessarily a compromise measure, as all important legislative matters of this kind must be. And while it may not be entirely satisfactory to the extreme eastern or western sentiment, it is a splendid, practicable, and workable measure.

This bill represents a natural evolution or adaptation of the homestead laws to conditions existing in the public-land States. It seems to be thoroughly well settled that there are many million acres of the public domain to which none of the existing public-land laws are adapted, and that the time has come when a new form of homestead law should be enacted to make the settlement of those vast areas possible.

This bill will apply to large portions of arid mesas and mountain sides, as well as gulches and rough broken land where, by the modern dry-farming methods, and by the use of crops that are suitable to the arid regions, a settler can by acquiring a few head of stock maintain a home and support himself and family.

There have been some objections to the measure before the committee by some representatives of large cattle and sheep growers, upon the ground that the bill may interfere with their use of the open public range. On the other hand, a few people have also objected to the measure upon the ground that they fear the land, after being entered by homesteaders, may be acquired by the large stockmen.

In answer to the first objection, your committee is of the opinion that the general welfare of the country demands that every acre of agricultural land be utilized, and that no better use can be made of the public lands than for the maintenance of homes for the people, and that wherever lands in quantities of 640 acres or less will provide a home for a family that the law should expressly allow nothing to interfere with the entry and use of that land for that purpose. What the West needs is more people, more homes, and more property on the tax rolls. Moreover, it is conclusively demonstrated that the settlement of the former large cattle ranges throughout every State in the Union has not only afforded homes and made the land at least a hundred times more valuable than it was in its former native state, and populated regions with prosperous people and built large cities upon tracts that were formerly cattle ranges, but that the settlement of the country has actually increased the number of cattle, and that the cattle are of a better grade than under the old public large range system. Texas, Oklahoma, Kansas, Nebraska, Colorado, and all of the other former large cattle-range States prove this result beyond any question. So that purely from the standpoint of increasing the number of cattle in the country and enhancing the supply of beef for the consumers of this country this measure will prove wonderfully beneficial.

In answer to the second objection, the investigations of the committee and all the experiences and tendencies of the country

thoroughly and conclusively demonstrate that homesteads are nowhere being purchased and being put into cattle ranges. There is not the slightest danger or possibility of any appreciable number of homesteaders, after complying with all the requirements of the homestead law and regulations as now administered regarding residence and improvements, will ever sell their lands at any figure that would permit large cattlemen to buy them for stock-range purposes. Instead of the present tendency being toward selling private improved lands for cattle or sheep ranges, the tendency is all in the opposite direction. The large holdings, generally speaking, everywhere are being subdivided and sold in small tracts. In fact, the large farms all over the country are with few exceptions being subdivided and sold into smaller tracts. The tendency is toward the small farm and individual stock raising and the improvement of the breeds and the better care of stock.

In the Assistant Secretary's report, herein quoted, this situation is shown, and the judgment of the West, generally speaking, is unquestionably in accordance with that report. This bill is directly carrying out the time-honored policy of this Government to use the public domain as far as possible to furnish homes for the citizens of our country. As was stated in the report of this committee on this bill in the Sixty-third Congress:

It takes homes to insure permanent taxpayers; it takes homes to bring schools and churches; it takes homes to build cities and towns that attract and support labor and mechanics; population invites railroads, which in turn bring more immigration and capital to develop the barely touched resources of this great semiarid West.

Lands all over the West that were looked upon as utterly worthless 10, and even only 5, years ago are to-day good homes. Former Secretary of Agriculture Wilson once stated in a public address that every acre of land or rock in the West would be put to some practical use some time. No one now has the knowledge or foresight to classify that land. The time may some time come when homesteading will practically cease, and there will undoubtedly ultimately be some large bodies of land that can not be used for homes. But that time has not yet come. In fact, it is a long way off.

This law will mean the settlement of at least one-fourth of all the remaining public domain outside of the forest reserves, and will add thousands of homes to each of the Western States and put several million acres of land that now appear almost worthless into a productive condition and onto the tax rolls of each of those States.

Mr. BORLAND. Will the gentleman yield?

Mr. TAYLOR of Colorado. I do.

Mr. BORLAND. I would like to ask the gentleman [Mr. TAYLOR of Colorado] in charge of the bill whether there is any of this land that could be taken up under the 640-acre homestead except such as has access to some watercourse?

Mr. TAYLOR of Colorado. Oh, yes.

Mr. BORLAND. What would be the supply of water; how would the homesteader get his supply of water?

Mr. TAYLOR of Colorado. By digging a well.

Mr. BORLAND. Unless he had access to a watercourse—
Mr. TAYLOR of Colorado. Oh, yes; settlers can either dig a well or make a reservoir. They do that now. They also use windmills and cisterns, and sometimes they open up a little spring.

Mr. BORLAND. Is it not possible that if a 640-acre homestead be located along a watercourse it will destroy the entire value of the land lying back of it either to the Government or anybody else?

Mr. TAYLOR of Colorado. If the gentleman will read section 11 he will find that that matter is specifically and very carefully covered; that water holes are reserved from entry.

Mr. BORLAND. That has been inserted as a committee amendment?

Mr. TAYLOR of Colorado. Yes, sir; and they can not take them up at all if they control the only available water supply for a large region.

Mr. Chairman, I do not desire at this time to take up any more of the time of the committee, but I would be glad to answer any questions anyone may desire to ask about any feature of the bill. The bill is really self-explanatory. The report of the Interior Department, by Assistant Secretary Jones, is very full and complete. I think it is one of the best reports we have ever had on any bill since I have been in Congress during the last seven years. The Interior Department during the past year has made special investigation upon this measure, and they give in this report the result of such investigation, and the department is enthusiastically and earnestly in favor of the expeditious passage of this bill.

I will now reserve the balance of my time and yield five minutes to the gentleman from Oklahoma [Mr. McCLINTIC]

Mr. McCLINTIC. Mr. Chairman, I am glad that the first words I can utter on the floor of this great body shall be in behalf of the man without a home.

Hanging in my office is a picture of a ranch scene in Texas which was taken on the last day that I worked on that ranch. Underneath this photograph, lying on my desk, there is another picture of the same land, only it is in a different form, it being a map furnished by the United States Geological Survey showing that section, which was at one time the Mecca of the cattleman, has been cut up into small farms and later developed by the oil and gas men into one of the largest fields in that State.

In western Oklahoma, where I live, I can remember 14 years ago when there were those who said that this country should not be taken away from the cattleman; that there would not be sufficient rainfall to make this country suitable for agricultural purposes; that it would only be a few years before those who had come there to have the benefit of their homestead rights would be forced to abandon the same and give up in despair.

Let us see how true their predictions were. One county in that section in 1914 produced some 40,000 bales of cotton. Land in another county is now selling as high as \$100 per acre. Thousands of carloads of wheat and other small grain have been marketed in practically every county in that section this year, and I dare say there is not another congressional district in the United States that produces as many tons of broom corn as the one that I have the honor to represent. Not only this, but the settling up of this country by the homesteaders in the early days has resulted in bringing to that part of the State many new industries, and to-day gypsum and cement mills, granite works, flour mills, cheese factories, and many other enterprises are keeping pace in the development of that section of my State.

Statistics show that more than 50 per cent of the farmers living in my State do not own their homes, and I venture the assertion that this same condition exists in many States of the Nation. I know there are thousands who are eagerly waiting and watching for an opportunity to better the conditions of themselves and families, and if there is any class that our Government should help it is those who have not been fortunate enough to provide for themselves a little domicile which they could call "home."

The 640-acre homestead bill holds out to this class a helping hand, and when enacted into law will mean the development of thousands of acres that have been lying idle for years and retarding the progress of many States. The existing homestead laws will only permit a man to file on 160 acres of agricultural land or 320 acres of nonmineral and nonirrigable land. This is sufficient in sections of the country that are developed for agricultural purposes, but in the West, where the big cattleman has had control over the Government domain, it has been impossible for the little fellow to take up 160 acres and to make a successful start in the stock-raising business.

The records of our country are full of instances where those who have fenced off certain tracts of land on which to erect homes have been browbeaten and intimidated and have been forced to give up in despair. This is the same old story, the mighty will crush the weak, and because of this condition that has prevailed for years and years a large amount of our public domain has been undeveloped and has not been bringing in any revenue to the States within whose borders these lands are located, and has been rendering to our Nation very little good. The 640-acre homestead act will hold out a real hope to the modest man of but small means and who has little money with which to start in the stock-raising business. It will afford him an opportunity to be cooperating with many others who are eager and willing to have this chance. It will place thousands of acres of these lands on the tax rolls. It will cause the undeveloped natural resources to be thoroughly investigated, and I prophesy that in 14 years from now there will be many sections in the United States as productive as the seventh congressional district of Oklahoma, which was dominated by the cattle king before this section was opened for homestead entry.

Some years ago, in what was formerly called "No Man's Land," now in the western part of Oklahoma, it was my pleasure and privilege to make a homestead entry on 160 acres of Government land. I have seen herds of antelope on the prairies, and I saw the last band of wild horses as they were driven to captivity.

I know something of the hardships that are often undergone by the pioneers, and if there is any class of men that is entitled to praise it is those who blaze the way for civilization. At this time the entire country was under the control of the cattlemen, who had by manipulation secured rights to certain property, thereby enabling them to keep thousands of head of cattle on this range, with resultant big profits, and at the same time retarding the progress and development of that section. Visit

those counties to-day and see what has happened since that country has been opened up for homestead entry. One would think in making a comparison that a miracle had been brought about. Growing towns, State educational institutions, and splendid agricultural farms are now located on lands which a few years ago were wholly under the domination of the cattle kings.

If this Congress will pass the 640-acre homestead bill, it will be only a few years until many sections of our Western States will be turned from a barren desert into happy homes and thriving, prosperous communities. It will be made to support thousands of sturdy, energetic, patriotic, and loyal citizens, who will give their time and energy in advancing the interests of such sections, so that they will produce revenue and compare favorably with every other country that has undergone similar changes.

Mr. Chairman, I hope the Members of this body will realize the importance of this measure, and that they will unanimously give this bill their hearty support, so that the homeless men of our Nation may have the opportunity to secure homes and at the same time have a chance more easily to provide a livelihood for themselves and families.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. HERNANDEZ].

Mr. HERNANDEZ. Mr. Chairman and gentlemen of the committee, I have introduced in the House a bill similar to the one now under consideration. It is a measure that has been presented to the Congress of the United States for several years. My predecessor in office had a measure similar to this, and I venture to say that there is not a State in the Union that has as much interest in this measure as the State of New Mexico or that has as much land of the character described in this bill as it has. Therefore if we follow the injunction and the quotations that some gentlemen have made of the Holy Book here, this will come to the rescue of the humble and the lowly in a more effective manner than by legislating against the trusts or octopuses or anything of that sort.

We have a lot of land in New Mexico that is not suitable for any other purpose than for stock-raising homesteads. This bill is intended to promote colonization of those States in the West where dry-farming processes are being experimented with. In a few minutes I will have some data here that will show the amount of land in New Mexico that would be available under this act. Still, statistics are rather a dry subject anyway, and I will make only a few remarks now and ask permission to have the statistics go in the RECORD as a part of my remarks.

This legislation will induce a good many people to go and settle these lands. Four counties in the eastern part of my State bordering on the western part of Texas and Oklahoma are partly settled now by good and thrifty farmers. They find themselves, however, in the position that part of the people of New Mexico find themselves in the older settled regions, where they have seen the grazing lands taken away from them through one process or another; that is, by grants made to the States and by private land grants.

New Mexico is one of the two babies that came into the Union in 1910. We are going through the process, Mr. Chairman, that all States go through when they are first admitted into the Union. We imagined that we were rich and that we could legislate so as to create a large number of offices and incur a good deal of expense. We find ourselves now meeting and footling the bills. We discover that we have obligations to meet which we were not looking for. In order to meet these expenses we have to invite people down to our States so that they can help us develop the resources and get these lands in shape so that they will become taxable.

In a good many communities in the northern part of the State where I live the poorer people, for whom I now speak—the native element—that live on what was supposed to be land grants owned by them, because that was the intention of the treaty of Guadalupe Hidalgo, should have the large tract for their own benefit, but when you read the history of the land grants, when you go back to the facts, you find that these lands have gone out of their hands and possession and have been in a good many instances gobbled up by some land shark or land-owner, and they have been left in their little communities with their little strips of land along the streams as the only thing they have now on which to subsist. They are trying to get out into the public domain, and are doing so in a great many instances. This measure will help them in that way.

But they have to take some stock. Now, 640 acres may look very large to a man that is not acquainted with conditions in New Mexico, Arizona, Colorado, or Oklahoma, but when you come to consider that, according to the best estimates that have been made, such lands as this bill provides for can only

keep one cow to every 10 acres, you will know that there is short picking there.

New Mexico ranges fourth in size in the United States, with an area of 122,580 square miles, or approximately 78,500,000 acres. She is practically the center of the arid section of the United States. We have some very excellent land. As I say, these newcomers—for instance, take the County of Roosevelt, in the extreme eastern part of my State, which takes in practically all of what used to be called the Staked Plains—follow this dry-farming process. Fifty of our energetic population in that county went down to our State fair, held last October in the city of Albuquerque, and took, in the general exhibits, the first prize in that fair. [Applause.] And we want to invite more of that class of people. We want people that will have the courage and the energy to make out of the Staked Plains a garden spot, such as Roosevelt County is now; and we have the counties of Curry, Quay, and Union, all of the same character.

The element of water in our State is a very precious one. There is not a department of the Government that is doing more to develop the West and that will do more than the Reclamation Service; and it pained me to hear one gentleman here suggest that they take away from us the royalties provided by the bill that we just passed—away from this community, away from the Reclamation Service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERNANDEZ. I wish about five minutes more.

Mr. STAFFORD. Mr. Chairman, I yield to the gentleman five minutes further time.

Mr. HERNANDEZ. I will not take up the time of this committee with any more of my remarks. Only I want to introduce certain data that I have prepared and I want to be put on record as saying that notwithstanding this is not my bill it practically is the same thing. I am heartily in favor of it. There have been some amendments made by the committee and there will probably be some amendments offered; but in general, Mr. Chairman, the people of my State are in favor of just such a measure.

There is very little land remaining in my State that would be valuable if taken up under any other act than this one. The stock-raising homestead would be just such ranges, or farms as you may call them, as they have in the State of Texas, where a man may accumulate, say, 1,200 acres or more, and he could keep a bunch of, say, 50 or 60 cows, or something like that, or where he could keep 400 or 500 head of sheep.

In one word, this is a measure that would invite emigration down to those States, and we need it. It would also put all these lands on our assessment rolls as taxable property.

I have some figures here that are interesting. For instance, we have in my State as forest reservations 9,881,660 acres. When we went what we call in the West "conservation mad" there was a large area segregated in the public domain into what is now known as forest, which in time I know will be, and I hope to see, taken up under stock-raising homesteads.

Some will ask, perhaps, how we are going to do that. We are going to do it because I know that a good deal of this area now included in national forests will come under the head of arid land, as it is nothing else. The State has now also 9,760,000 acres of State lands. Indian reservations in my State take in 4,080,800 acres. That leaves only of unappropriated lands 30,344,843 acres out of the 78,485,760 acres.

Mr. Chairman, I wish to ask the privilege of having inserted in the RECORD as a part of my remarks the following. [Applause.]

The CHAIRMAN. The gentleman from New Mexico [Mr. HERNANDEZ] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HERNANDEZ. The following are the statistics to which I have referred:

New Mexico ranges fourth in size in the United States, being as large as the New England States, excepting Maine. It has an area of 122,580 square miles, or approximately 78,500,000 acres.

Of course on account of New Mexico being practically in the center of the arid section of the United States a very small portion of these lands can be utilized for agricultural purposes. Only that part which can be irrigated, or that part in the extreme east, and portions between the mountains where a fairly large amount of rainfall is had can be brought into any kind of cultivation, and then only with a great deal of care and the harboring of the waters.

Out of this large acreage only about 3,500,000 acres are susceptible to irrigation, and I believe about 10,000,000 acres are claimed to be adaptable as dry farming crops.

At the present time about 800,000 acres are cultivated under irrigation and about 300,000 under dry farming methods, and there are remaining about 13,500,000 acres which could possibly be brought under cultivation.

We can only expect, with a certain degree of safety, to utilize for horticultural purposes something like the number of acres mentioned above—about 3,500,000 acres—as it is not safe to expect continuous satisfactory results from horticultural crops except from land which can be irrigated.

The Indian reservations and Pueblo Indian land grants in New Mexico absorb 4,518,758 acres of our best lands within nine different counties, the largest of these being within the counties of McKinley and San Juan, from which over 2,500,000 acres have been taken.

Private-land grants absorb 9,152,312 acres of agricultural, grazing, and forest lands.

There are 200,000 acres of mining lands—sold, unsold, leased, and open to lease.

There are 30,104,843 acres of unappropriated lands in New Mexico, mostly grazing and mountainous, with very little agricultural lands among them.

There are 58,088,412 acres of nontaxable lands consisting of—

Forest reservations	9,881,660
Lands belonging to State	9,760,000
Indian reservations	4,080,800
National monuments	21,109
Pueblos, military reservations	4,000,000
Unappropriated lands	30,344,843

Total United States, State, and nontaxable lands within the State 58,088,412

There are taxable lands to the number of 20,397,348 acres. This includes lots in cities and villages, rights of way, church and school property, and property escaping taxation.

Recapitulation of the above lands are as follows:

Nontaxable lands in New Mexico	58,088,412
Taxable lands	20,397,348
Total	78,485,760

Of all lands in the State there were approximately 21,561,265 acres of land unsurveyed on June 30, 1915, and 56,840,655 acres of surveyed lands, which includes 14,397 acres of resurveyed lands during the fiscal year ending June 30, 1915.

In conclusion I desire to say that the granting of the 640 acres to the farmer and the stockman, instead of 160 acres, will be the greatest boon to all who live in the arid West.

Mr. STAFFORD. Does the gentleman from Colorado [Mr. TAYLOR] intend to yield any more time on his side?

Mr. TAYLOR of Colorado. Yes.

Mr. STAFFORD. I yield 10 minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, the people of my district and of my State are altogether very much in favor of legislation of this character. At the outset I wish to compliment the members of the Committee on the Public Lands for bringing out this bill for consideration so early in the session, and also for the splendid work they have already done in bringing before the House the bills providing for the leasing of coal and oil lands and water-power sites.

There are some provisions of this bill that I desire to see changed, and which I shall call to the attention of the committee. The bill provides in the beginning that any qualified homestead entryman may make entry on 640 acres of land designated by the Secretary of the Interior as stock-grazing lands; that proof may be made on this land by the entryman residing on it for three years, and, in lieu of the cultivation required now under the homestead laws, the entryman must make improvements on the land which will increase the value of the land for stock-raising purposes at least \$1.25 an acre.

Those who are allowed to make an entry of this kind are citizens over the age of 21 years, or heads of families, who have never used their homestead rights, and those who have made entry on public lands under the homestead laws and have not perfected their entries, or who have perfected their homestead entries and still own and occupy the land.

Those who have never exhausted any of their homestead rights may make entry under the provisions of this bill as it now stands for 640 acres of grazing land, all of the land to be in compact form. In other cases entry may be made for lands contiguous to the original homestead entry of the entryman. The additional entry may be for such land as will not with the land embraced in the original homestead entry exceed 640 acres.

Now, there does not seem to me to be any good reason why a man should not be included in the privileges afforded by this law who has gone out in the West during the last two or three decades and made entry and proof upon public lands under the homestead laws, and has, through the misfortune of poor crops

and climatic conditions out there, lost the ownership and title to his land. I believe that this bill should provide that any man, whether he has made entry heretofore under the homestead laws or not, who has perfected his entry, should have the right to make entry for one of these grazing homesteads.

In my State there is to-day nearly 500,000 acres of unappropriated public lands. This bill, if enacted into law, will result in the settling up of practically all of that land.

Now as to the character of settler that is desired out there or the character of settler that is desired in any of the public-land States: We want on these lands men who will make their homes there, men who will live with us and actually engage in farming and in stock raising. From my own observation and experience I know this to be the fact, that among the most desirable class of men to have go upon these lands are to be found those who some years ago made settlements and homestead entries upon public lands and lost their land through mortgage-foreclosure proceedings or some other misfortune. These men, many of them who are now tenants or day laborers, will desire to make entries under a law of this kind. These men should have the right to make entry for these grazing homesteads, and I trust that when this bill is considered section by section in the committee amendments will be agreed to which will give them such right.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

Mr. NORTON. Certainly; I shall be pleased to.

Mr. RAKER. I catch the gentleman's idea, I think, that anyone who has exercised his right to homestead entry and received patent and who has disposed of the land and is out in that country now pioneering and working and wants to take up one of these 640-acre tracts shall be given that opportunity.

Mr. NORTON. Yes; I think so. I do not see any good reason why that opportunity or privilege should not be given. We have many such men in my State and in adjoining States. To-day some of our very best citizens, who have in the past exhausted their homestead rights, are working as tenants. Numbers of them will be desirous of securing a grazing homestead. If this bill is enacted into law as now drawn, they would not have a right to make entry for one of these grazing homesteads.

Mr. BOOHER. Mr. Chairman, will the gentleman permit a question?

Mr. NORTON. Certainly.

Mr. BOOHER. Would you give a man of the character you describe the entire 640 acres, or would you take from him the land he has entered and proved up on and gotten patent to and lost?

Mr. NORTON. Well, if it were left to me, I would give him the right to take the entire tract of 640 acres. I will say this, that in giving him that right I would have the fullest confidence that these men would improve this land and hold fast to it as their permanent homes. They would prize these homesteads more and improve them far better than any other class of men you could find in the country.

Mr. BOOHER. Just another question.

Mr. NORTON. Certainly.

Mr. BOOHER. Why would you give a man who has proved up and lost his claim any more than the man who had not quite proved up, but would let him go ahead and take out just enough to make 640 acres? Why not let the second man take up more of this land?

Mr. NORTON. The man who has not proved up now?

Mr. BOOHER. And lost his land.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman permit a question right there?

Mr. NORTON. I will say in reply to the gentleman from Missouri [Mr. BOOHER] this: I would allow the man who has lost his land in the past, recognizing conditions that are well known to everyone who has lived in the public-land States, to make entry for the full 640 acres. I would do this, recognizing the fact that in making his original entry and final proof he had sacrificed a great deal of time, a great deal of effort, and a great deal of money, and has contributed a great deal to the upbuilding and improvement of the particular section of the State where he first made settlement.

Mr. BOOHER. No more of that than the man who has not yet proven up. Would it not be fairer to all classes to give the man who has lost his land sufficient to make his 640 acres, the same as the other man?

Mr. NORTON. There is some reason, of course, in the argument to give the man who now has an unperfected homestead entry the same rights as the man who has lost ownership to his first homestead entry.

Mr. BOOHER. I just wanted to get the gentleman's idea of the cases.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Colorado use some time?

Mr. TAYLOR of Colorado. Mr. Chairman, I will yield five minutes to the gentleman from California [Mr. CHURCH].

The CHAIRMAN. The gentleman from California [Mr. CHURCH] is recognized for five minutes.

Mr. CHURCH. Mr. Chairman, this bill provides for a stock-raising homestead of 640 acres, and if passed will be of untold benefit to the West.

I am in favor of any bill that takes people away from the cities into the great outdoors to build for themselves homes. In the country home nearer than in any other place we find content. Our cities are filled with perplexities and unrest; the grind of the machinery, the noise of the factory, and the shriek of the locomotive keeps the nerves of the city man strung to the key of G. His life passes like a tale that is told. Regardless of the amount he earns, his bank account is generally depleted on the first of every month. A toll master stands at every city gate. Paying house rent, the water bill, the gas account, for electric lights, the morning paper, the evening news, the grocery and department store, for vegetables, milk, bread, butter, wood, and meat, a little here and a little there, a dime or two for church and Sunday school; "Bill, loan me \$5, I am a little short;" "No, I haven't it to spare," are the monthly woes of the average city man.

This bill is calculated to take people out into the foothills where can be produced almost all that is consumed; out where a person can sleep at night, where children are happy and on horseback ride to school, where father works the farm and mother trades the eggs for groceries at the store, where brother learns to hunt, fish, and swim, and sister sews and sings and entertains her beau, and where taxes are paid once a year.

Mr. Chairman, I look back to-day to the green hills of California, to the homestead of my father, the old Circle Spring Ranch, as the dearest spot on earth; away from the strife and din of the city, where the flowers nodded and the meadow lark sang, where the quail whistled, the ground squirrel scolded, and the sad dove moaned; to the landscape and to the trees that were all numbered and named.

My life has been crowded with blessings too numerous even for me to recall—health, friendships, bodily strength, and an optimistic mind—but my chief benefactor has always been that old country farm. There I received my first impression of music from the night winds and the waterfalls; my first knowledge that life was a struggle from 4 miles of trail through brush and rocks to school; my first idea of purity from the soft sweet water of the mountain spring; my first impression of the sublime from the great heights that rose abruptly just outside the door; and I received there, from the great mountain, moon, and stars, my first impression of God.

At first this country gave to the home seekers 160-acre farms, and under this law the best of all the land was taken. That law transformed the face of this country from a wild, prairie and woodland, undergrown by brush and bramble, into a land the most rich and beautiful of all the world. That law caused our valleys to teem with industry and our cheerless mountains to glow with the friendly fires of home. It made wild places, where before no sound was heard save the great owl's hoot at night and the coyote's cry, resound with children's voices and the sacred sounds of contentment. It has transformed the South into cotton and tobacco fields, the North into cereal farms, and the West into orchards and vineyards, the fruits from which astonish the world.

That 160-acre homestead law has changed the San Joaquin Valley in California, that I represent, from a desert, bleak and bare, into one of the garden spots of the West. Last year in this valley, where sagebrush once grew and where owls and snakes and horned toads once lived in solitude, we produced 120,000 tons of raisins, valued at \$9,000,000; 5,000 tons of prunes, valued at \$400,000; 1,500,000 boxes of oranges, valued at \$3,200,000; 1,000,000 pounds of nuts, valued at \$125,000; 6,000,000 pounds of apples, 4,000 tons of dried apricots, 8,000 tons of figs, 75,000 boxes of lemons, 1,200 tons of olives, 28 tons of dried peaches, 5,000 tons of table peaches, 50,000 tons of table grapes, 3,000,000 gallons of wine, 2,000,000 gallons of brandy, 2,000,000 boxes of berries, 7,000,000 cents of wheat, oats, and barley, 600,000 cents of corn, 500,000 pounds of beans, and twelve hundred thousand tons of hay. During this same year, in this valley and on its adjacent hills, grazed fifteen hundred and eighty thousand head of cattle, sheep, hogs, horses, and mules.

I may properly say right here that nearly half of the land claimed under the 160-acre homestead law in this valley is not yet under cultivation on account of the great expense of getting water onto the plains; but we are looking forward to Govern-

ment aid, and now especially have we reasons to hope, owing to the fact that the reclamation fund is soon to be materially replenished by the royalties received from the Government for leasing power sites in our nearby mountains, as well as from the royalties received by the leasing of oil lands located on the border of the plains. I expect to file a bill in the near future asking assistance from the Federal Government, to the end that the waste water of our mountains may be brought in touch with the waste lands of the plains; and when this assistance comes and this 640-acre homestead bill becomes a law my country in California will come into its own. Then all the unreserved public land of the mountains will be taken, and the dry, uncultivated land of the plains will yield an annual bounty, and this western valley will become the pride of the Nation.

I have mentioned the marvelous development of the San Joaquin Valley under the 160-acre homestead law as a fitting illustration of what has been done, in a greater or less degree, in all parts of this country; but already we have passed beyond the usefulness of the 160-acre homestead law as an agency for the finder of homes, and on the 19th day of February, 1909, Congress passed what is known as the enlarged-homestead law, which provides that 320 acres of land could be embraced in a single entry or enough added to the original entry to make, in all, 320 acres. Under this law hundreds of thousands of acres of the western land has been claimed by settlers, and through this law many homes established, but we have now outgrown the 320-acre law, most of the land suitable for a home of this size having been taken, so we have reached the time when the acreage again should be increased, thus giving people who are tired of living in cities and working for others another chance to go out and gather the fragments of the Government domain.

Mr. Chairman, I predict much for this bill when it becomes a law. It will place thousands of acres of land upon the tax rolls of our counties and States. It will provide homes for many homeless people in the West. It will kindle fires on many hearthstones now unknown. It will bring happiness to many downcast heads and saddened hearts. It will create memories for the future of the dearest place on earth—home, sweet home. It will cause hundreds who now feel they have made a failure in life to leave the cities and go out into the everlasting hills and start life anew. It will bring color to faded cheeks, merriment to many a cheerless tenement child, and place a new star in the dark life of many hopeless men.

Mr. TAYLOR of Colorado. I yield five minutes to my colleague from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I am in favor of the passage of this bill. I believe it will be of very great benefit to the people of the public-land States, and I am confident its provisions have been so carefully safeguarded that the public interests are not endangered.

In my congressional district—the third district of Colorado—we have witnessed a tremendous settlement within the last year or two under the provisions of the 320-acre homestead law. It may be of interest to the Members of this House to know that out there in southeastern Colorado, where it has been the general impression that all of the land has been taken up, we have within the last year had more homestead filings than ever before in the same district in the history of the public-land laws of this country.

Six or eight thousand settlers have come into my congressional district alone and have filed upon homesteads, so that at present practically all of the land which is of a character to enable a family to live on 320 acres has been taken up, and there remains a very considerable area where more than 320 acres are required. I would hesitate to advocate the granting of 640 acres of land to an individual if the grant were not necessary to enable a man to earn a living for his family and so circumscribed as to safeguard the public interests. But under this bill and under the present administration of the General Land Office, I believe it is well-nigh impossible to perpetrate extensive frauds. We are, therefore, assured that if the bill is enacted the benefits will accrue to men who are seeking to make homes on the public domain and not to land-grabbing corporations.

Mr. Chairman, I wish to make some reference to the treatment accorded settlers under the present administration as compared with former administrations. When Woodrow Wilson entered the White House on the 4th of March, 1913, the man who sought to make his home on the public domain was regarded as a criminal who was seeking to get something away from the National Government, and the people of the West, without regard to party and without regard to locality, felt a just indignation against the manner in which the public-land laws were being administered. But under the administration of the present Secretary of the Interior, Franklin K. Lane, and his Commissioner of the General Land Office, Clay Tallman, the

man who in good faith has sought to make his home on the public domain has been given every possible encouragement. One of the direct results of that reversal of policy has been such a settlement of the West as has never been witnessed before in the history of that section of the country.

Mr. Chairman, I consider it a very great misfortune that Franklin K. Lane was born on the northern side of the boundary line between this country and Canada. If he had been born on the southern side I would here and now, on behalf of the grateful people of the West, launch a presidential boom for him for 1920. [Applause.] So far as 1916 is concerned, of course no Democrat thinks of any other standard bearer than Wilson. There is no man in the recent history of the United States who has contributed in greater measure to the development of the West than has Franklin K. Lane. As an administrator he is without a peer in public life and his ability is made manifest in every branch of the great department of which he is the head.

This measure which we have before us to-day is recommended to the consideration of Congress by Secretary Lane. He assures us that the public interests are protected in it and that the interests of the settlers will be advanced by it, and he stands so well with men of all parties in this House that I take it his recommendation will be accepted. [Applause.]

Mr. FERRIS. Will the gentleman use some of his time?

Mr. STAFFORD. Has the gentleman any further speeches on his side?

Mr. FERRIS. I think not. I think we will reserve them for the reading of the bill.

Mr. STAFFORD. I have had an understanding with the gentleman from Oklahoma, the chairman of the committee [Mr. FERRIS], that we would not take up the bill under the five-minute rule to-night, but would conclude the general debate. I do not care to project myself into the debate at this late hour. I had intended speaking for 15 minutes on the bill, but I shall defer that out of consideration for Members and will withhold my remarks until the five-minute rule.

Mr. MANN. Let the Clerk read the first section of the bill.

Mr. FERRIS. Yes; let the Clerk read the first section of the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved public land in reasonably compact form: *Provided, however,* That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Cox, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent that after this bill has been disposed of H. R. 7617, the road bill, be taken up for consideration.

Mr. MANN. I take it that what the gentleman wants is to make it in order to go into Committee of the Whole House on the state of the Union for the consideration of the road bill, subject to the Unanimous Consent Calendar, special orders which have already been made about speeches, appropriation bills, and Calendar Wednesday.

Mr. TAYLOR of Colorado. It is not to interfere with this bill.

Mr. MANN. The request is for the bill to be made privileged after this bill is disposed of.

The SPEAKER. What is the number of the bill?

Mr. SHACKLEFORD. H. R. 7617.

The SPEAKER. The gentleman from Missouri asks unanimous consent that after the pending bill is disposed of the bill H. R. 7617, the good-roads bill, shall be given a privileged status, not to interfere with appropriation bills, Calendar Wednesday, the Unanimous Consent Calendar, or any of the special orders heretofore made. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7611. An act authorizing the Seaboard Air Line Railway Co., a corporation, to construct and operate a bridge, and approaches thereto, across what is known as "Back River," a part

of the Savannah River, at a point between Jasper County, S. C., and Chatham County, Ga.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 58 minutes p. m.), the House adjourned until Monday, January 17, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting draft of legislation to increase the cost of a central heating, lighting, and power plant to serve buildings owned or occupied by the United States Government (H. Doc. No. 577); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Elizabeth River, N. J. (H. Doc. No. 578); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of White River, at Duvall Bluff, Ark. (H. Doc. No. 579); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Oregon Slough, Ore. (H. Doc. No. 580); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Hudson River at Troy, N. Y., with a view to the removal of Adams Island (H. Doc. No. 581); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting draft of proposed legislation for the relief of certain officers and enlisted men who lost personal property in the hurricane at Galveston and Texas City, Tex., in August, 1915 (H. Doc. No. 582); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of Labor, submitting an amendment to urgent estimates of deficiencies in appropriations for the Department of Labor for the fiscal year ending June 30, 1916, changing the item of \$33,000 for public printing and binding to \$30,000 for public printing and binding and \$3,000 miscellaneous expenses, Bureau of Labor Statistics (H. Doc. No. 583); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, submitting draft of a bill authorizing the Commissioner of Internal Revenue to collect and publish statistics of leaf tobacco (H. Doc. No. 584); to the Committee on Ways and Means and ordered to be printed.

9. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation for contingent expenses of the War Department, 1915 (H. Doc. No. 585); to the Committee on Expenditures in the War Department and ordered to be printed.

10. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting a report of the Chesapeake & Potomac Telephone Co. for the year 1916 (S. Doc. No. 244); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HOUSTON, from the Committee on the Territories, to which was referred the bill (H. R. 65) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street-railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto, reported the same with amendment, accompanied by a report (No. 43), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 931) granting an increase of pension to Nancy Gould; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3153) granting a pension to Friedericke Potter; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3206) granting a pension to Harriet L. Busick; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6334) granting a pension to John Delaney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GODWIN of North Carolina: A bill (H. R. 9126) providing for a survey of Town Creek, in Brunswick County, N. C., with the view to making same navigable; to the Committee on Rivers and Harbors.

By Mr. PARK: A bill (H. R. 9127) making an appropriation for the improvement of Flint River, Ga.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9128) making appropriation for the treatment and eradication of lungworm disease in hogs; to the Committee on Agriculture.

By Mr. KEATING: A bill (H. R. 9129) to establish a fish-cultural station near Rye, Colo.; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9130) to provide for a Government munitions plant and supply depot at or near Pueblo, Colo.; to the Committee on Military Affairs.

By Mr. HERNANDEZ: A bill (H. R. 9131) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913; to the Committee on Indian Affairs.

By Mr. DEWALT: A bill (H. R. 9132) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: A bill (H. R. 9133) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved January 17, 1914; to the Committee on Ways and Means.

By Mr. ADAMSON: A bill (H. R. 9134) to repeal certain sections and part of section of an act entitled "An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes," approved March 4, 1915; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITT: A bill (H. R. 9135) to reduce the rate of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: A bill (H. R. 9136) to authorize the acquisition of a site and the erection of a Federal public building at Bishop, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: A bill (H. R. 9137) to survey and locate a military and post road from St. Louis, Mo., to Olympia, Wash.; to the Committee on Military Affairs.

By Mr. NEELY: A bill (H. R. 9138) for the relief of the counties of Marion and Monongalia, in the State of West Virginia; to the Committee on the Judiciary.

By Mr. FIELDS: A bill (H. R. 9139) for the relief of the State of Kentucky; to the Committee on War Claims.

By Mr. HOLLINGSWORTH: A bill (H. R. 9140) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. NORTON: A bill (H. R. 9141) to provide for stock-raising homesteads, and for other purposes; to the Committee on the Public Lands.

By Mr. COX: Resolution (H. Res. 93) asking for the appointment of five Members to investigate the Yucatan Sisal Trust; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 9142) granting an increase of pension to Sarah Peak; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 9143) granting a pension to Mary F. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9144) granting an increase of pension to John Irvin; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 9145) granting an increase of pension to Harriet J. Sargent; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: A bill (H. R. 9146) granting a pension to Anna de Rochemont; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 9147) granting a pension to Maggie Little; to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 9148) for the relief of the estate of John R. Tally; to the Committee on Claims.

By Mr. CARTER of Oklahoma: A bill (H. R. 9149) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease, and to include within said lease other lands within the segregated coal area; to the Committee on Indian Affairs.

By Mr. DALLINGER: A bill (H. R. 9150) granting an increase of pension to Arvilla N. Stocker; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 9151) granting an increase of pension to Christian B. Old; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 9152) granting an honorable discharge to Joseph L. Galle; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 9153) granting an increase of pension to James A. Dicus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9154) granting a pension to Charles W. Kester; to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 9155) granting a pension to Henry Langley; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 9156) granting an honorable discharge to Albert Smith; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 9157) granting an increase of pension to Ellen Champion; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 9158) granting a pension to Andrew Conley; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 9159) granting an increase of pension to Janet T. Packard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9160) granting an increase of pension to Jesse Price; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 9161) granting a pension to Elmira Goshen; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 9162) granting an increase of pension to Fox Glass; to the Committee on Pensions.

By Mr. HAY: A bill (H. R. 9163) granting an increase of pension to Charles L. Swartz; to the Committee on Pensions.

By Mr. HERNANDEZ: A bill (H. R. 9164) to restore pension to Juanita Rine; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 9165) granting a pension to Martha E. Gibbons; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 9166) to correct the military record of E. D. Judkins; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 9167) granting an increase of pension to Malcolm J. McNeill; to the Committee on Pensions.

Also, a bill (H. R. 9168) for the relief of Peter McKay; to the Committee on Claims.

By Mr. KEATING: A bill (H. R. 9169) granting an increase of pension to Charles W. Bushnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9170) granting a pension to Franklin Hill; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 9171) for the relief of Arthur J. Burdick; to the Committee on Claims.

Also, a bill (H. R. 9172) for the relief of the M. Kondo Fisheries Co.; to the Committee on Claims.

Also, a bill (H. R. 9173) for the relief of Union Oil Co.; to the Committee on Claims.

Also, a bill (H. R. 9174) for the relief of John F. Smith; to the Committee on War Claims.

By Mr. LAZARO: A bill (H. R. 9175) for the relief of the heirs of Victor T. Landry; to the Committee on Claims.

By Mr. LESHNER: A bill (H. R. 9176) granting a pension to George H. Cope; to the Committee on Pensions.

Also, a bill (H. R. 9177) granting an increase of pension to William H. Eoute; to the Committee on Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 9178) granting an increase of pension to Rosa Matheny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9179) granting an increase of pension to Jacob Frantz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9180) granting an increase of pension to Woodford W. Keeney; to the Committee on Invalid Pensions.

By Mr. MCCLINTIC: A bill (H. R. 9181) for the relief of the heirs of James R. Tolbert; to the Committee on Claims.

By Mr. MCKENZIE: A bill (H. R. 9182) granting an increase of pension to Washington H. Switzer; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 9183) granting a pension to John F. O'Donnell; to the Committee on Pensions.

By Mr. OAKLEY: A bill (H. R. 9184) granting an increase of pension to Alice A. Deming; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 9185) granting a pension to Martha A. Knapp; to the Committee on Pensions.

Also, a bill (H. R. 9186) for the relief of George W. Davis; to the Committee on Military Affairs.

By Mr. ROGERS: A bill (H. R. 9187) for the relief of Franklin E. Emery; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 9188) granting a pension to Laura A. Botts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9189) granting an increase of pension to John T. Ferrie; to the Committee on Pensions.

Also, a bill (H. R. 9190) granting an increase of pension to Henry C. Leary; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 9191) granting a pension to Addie Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9192) granting an increase of pension to David Cornelison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9193) granting an increase of pension to Andrew J. Craig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9194) granting an increase of pension to John W. Wilkerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9195) granting an increase of pension to George L. Clonts; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 9196) granting an increase of pension to Thomas M. Lamons; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 9197) providing for the payment of the findings reported by the Court of Claims in favor of certain engineers, firemen, mechanics, and laborers for extra time; to the Committee on Claims.

By Mr. SHERLEY: A bill (H. R. 9198) granting an increase of pension to Adelaide Wagner; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 9199) granting an increase of pension to Joseph M. Thomas; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 9200) granting an increase of pension to Fanny Wickliffe Throckmorton; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 9201) to carry out the findings of the Court of Claims in the case of Charles H. Whipple; to the Committee on Claims.

By Mr. TAVENNER: A bill (H. R. 9202) for the relief of Joshua Banks Nicholson; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 9203) granting an increase of pension to Homer E. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9204) granting an increase of pension to Jacob Amberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9205) granting a pension to George De Meritt; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 9206) granting an increase of pension to Adelia C. Augur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9207) granting an increase of pension to Mina C. Balzer; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 9208) to remove the charge of desertion against William H. Mounce; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of sundry citizens of Columbus, Ga., protesting against the child-labor bill; to the Committee on Labor.

By Mr. ALLEN: Petition of Ohio Stogie Manufacturers' Association, relative to distribution of taxes on cigars, etc.; to the Committee on Ways and Means.

Also, memorial of Business Men's Club of Cincinnati, Ohio, favoring more pay to railroads carrying mail; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Evidence to accompany House bill 8254, for special relief of Amos Lynne; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition of sundry citizens of Wichita, Kans., favoring Federal censorship of moving pictures; to the Committee on Education.

By Mr. BURKE (by request): Petitions of 114 citizens of the second congressional district of Wisconsin, favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CHARLES: Petitions of Stephen Sanford's Sons, of Amsterdam, and sundry citizens of the thirtieth congressional district of New York, favoring bill for protection of manufacturers of American dyestuffs; to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of Cooper Underwear Co., of Kenosha, Wis., favoring protection for manufacturers of dyestuffs in America; to the Committee on Ways and Means.

By Mr. CRAGO: Petition of Pennsylvania Association of Union Volunteer Officers of the Civil War, favoring volunteer retired-list bill, H. R. 386; to the Committee on Military Affairs.

By Mr. DALE: Memorial of Women of Chapter 76, Daughters of the American Revolution, favoring preparedness; to the Committee on Military Affairs.

By Mr. FLYNN: Memorial of the Mississippi River Levee Association, favoring appropriation for completing the levee system; to the Committee on Rivers and Harbors.

By Mr. FREEMAN: Petitions of Plainfield Woolen Co., of Central Village, and Max Pollack & Co., of Willamantic, Conn., favoring passage of bill to protect manufacturers of American dyestuffs; to the Committee on Ways and Means.

By Mr. FULLER: Papers to accompany a bill granting an increase of pension to Ellen Champion; to the Committee on Invalid Pensions.

Also, petition of Division 241, Amalgamated Association of Street and Electric Railway Employees of America, favoring nonpartisan tariff commission; to the Committee on Ways and Means.

By Mr. GARD: Petitions from R. I. Miller, of College Corner, and other merchants resident of Eaton, Farmersville, Middletown, Trenton, Hamilton, Lewisburg, Eldorado, West Manchester, Brookville, Oxford, Seven Mile, and Camden, all in the State of Ohio, favoring bill taxing mail-order houses; to the Committee on Ways and Means.

By Mr. HAMILTON of New York: Petition of William Broadhead & Sons, Broadhead Worsted Mills, of Jamestown, N. Y., favoring protection for manufacturers of dyestuffs in America; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Evidence in support of House bill 5150, for pension for P. L. Dawson; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 5170, for pension for Charlotte J. Clark; to the Committee on Invalid Pensions.

By Mr. JAMES: Memorial of Marquette (Mich.) Commercial Club, favoring increase in Army and Navy as prepared by the General Staff of the same; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Petitions of Coronet Worsted Co., of Providence, and Glengarry Mills, of Oakland, R. I., favoring bill for protection of manufacturers of dyestuffs in America; to the Committee on Ways and Means.

Also, petition of Rhode Island Chapter of the American Institute of Architects, protesting against passage of House bill 743, for building for Department of Justice in Washington; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: Petitions of citizens of Randall, Gray Eagle, Burtrum, Swanville, Freeport, and New Munich, Minn., favoring bill taxing mail-order houses; to the Committee on Ways and Means.

By Mr. LOUD: Petition of John Finger, sr., and 22 others, of Prescott, Mich., favoring taking from Congress power to declare war and placing that power in the hands of the people; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of Syracuse Rug Works and others, of Skaneateles Falls, N. Y., favoring protection for manufacturers of dyestuffs in America; to the Committee on Ways and Means.

By Mr. McARTHUR: Memorial of Portland (Oreg.) Chamber of Commerce, asking that the duty on imported shingles be restored; to the Committee on Ways and Means.

By Mr. MCGILLICUDDY: Petition of Knox Woolen Co., Camden, Me., in favor of House bill 702, "A bill to provide reve-

nue for the Government and establish and maintain the manufacture of dyestuffs"; to the Committee on Ways and Means.

By Mr. MOTT: Petition of C. N. Cook & Son, of Alexandria Bay, N. Y., protesting against the reenactment of the war-revenue bill; to the Committee on Ways and Means.

By Mr. MILLER of Delaware: Petition of Glen Hosiery Co., of Wilmington, Del., favoring bill to protect manufacturers of dyestuffs in United States; to the Committee on Ways and Means.

By Mr. NOLAN: Protest of the San Francisco Chamber of Commerce, the Building Trade Employers' Association, the Simonds Manufacturing Co., and sundry other corporations and individuals of San Francisco, Oakland, Sacramento, and San Jose, against the enactment of legislation to prohibit the employment of efficiency methods on Government work; to the Committee on the Judiciary.

Also, petitions of the German-American Alliance of San Diego, Cal., relative to embargo on shipment of arms; to the Committee on Foreign Affairs.

Also, a memorial of the Los Angeles Chamber of Commerce, favoring the matter of railway mail pay being placed under the jurisdiction of the Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

By Mr. OAKLEY: Petition of J. R. Montgomery Co., of Windsor Locks, Conn., favoring protection for manufacturers of dyestuffs in America; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Memorial of the Fitchburg (Mass.) Woman's Club, favoring passage of the child-labor bill; to the Committee on Labor.

Also, papers to accompany House bill 9014, for the relief of John O. Kinney; to the Committee on Military Affairs.

Also, papers to accompany House bill 9015, granting an increase of pension to John E. Stone; to the Committee on Invalid Pensions.

By Mr. PRATT: Petition of James R. Reid, of Elmira, N. Y., asking that a paragraph including Regular Army officers be placed in the Townsend bill, which favors a retired list for the volunteer commissioned officers; to the Committee on Military Affairs.

By Mr. RUSSELL of Ohio: Petition of German Baptist Mutual Insurance Co., of Miami County, Ohio, protesting against motor vehicles along rural routes; to the Committee on the Post Office and Post Roads.

By Mr. SELLS: Petitions of sundry business men of the first congressional district of Tennessee, favoring passage of bill taxing mail-order houses; to the Committee on Ways and Means.

By Mr. SISSON: Petition of Eupora (Miss.) Christian Temperance Union, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petitions of citizens of the fourteenth congressional district of Texas, favoring passage of bill taxing mail-order houses; to the Committee on Ways and Means.

By Mr. STINESS: Petition of Rhode Island Chapter of American Institute of Architects, protesting against the passage of House bill 743, relative to building for the Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: Petition of Great Falls Woolen Co., of Somersworth, N. H., favoring protection for manufacturers of dyestuffs in America; to the Committee on Ways and Means.

By Mr. TIMBERLAKE: Petition of Susie Sprague Chite and other citizens of Holyoke, Colo., against preparedness; to the Committee on Military Affairs.

SENATE.

MONDAY, January 17, 1916.

Rev. Lauritz Larsen, pastor of the Zion Norwegian Lutheran Church, Brooklyn, N. Y., offered the following prayer:

Let us pray. Eternal and Almighty God, Thou Author and Giver of all good things, we thank Thee for Thy manifold blessings to us. We pray Thee that Thou wilt be our guide, and that through the example of Thy divine Son, our Master, we may be guided in all things; that we may be given wisdom in all the matters that Thou hast given us to attend to; that we may be true to Him who hath given us the Divine Word of service, saying, "Whosoever would be great among you let him be your servant." Help us, bless us, and guide us, we ask for Christ's sake. Amen.

The Journal of the proceedings of Friday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the fol-

lowing bills, in which it requested the concurrence of the Senate:

H. R. 406. An act to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium; and

H. R. 8493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 320. An act to authorize the county of Bonner, Idaho, to construct a bridge across Pend Oreille River;

H. R. 775. An act granting the consent of Congress to J. P. Jones and others to construct one or more bridges across the Chattahoochee River between the counties of Coveta and Carroll, in the State of Georgia; and

H. R. 7611. An act authorizing the Seaboard Air Line Railway Co., a corporation, to construct and operate a bridge, and approaches thereto, across what is known as "Back River," a part of the Savannah River, at a point between Jasper County, S. C., and Chatham County, Ga.

PETITIONS AND MEMORIALS.

Mr. PHELAN. I present a telegram from the Los Angeles Chamber of Commerce, in opposition to a suggested invasion of Mexico and in favor of an enlarged Army and Navy, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

LOS ANGELES, CAL., January 15, 1916.

Hon. JAMES D. PHELAN,

United States Senate, Washington, D. C.:

Suggested invasion of Mexico by American troops most objectionable to our people. We advise enlarged Army and Navy to protect our border, our coast, and harbors. Hope you will use every influence to this end, for Pacific coast interests demand protection rather than invasion.

LOS ANGELES CHAMBER OF COMMERCE,
ROBT. N. BULLA, President.

Mr. FLETCHER presented a petition of the members of Company H, Second Infantry, National Guard of Florida, of Tampa, Fla., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of H. N. Wood & Co., of Lakeport, N. H., and a petition of the Tilton Woolen Mills, of Tilton, N. H., praying for the enactment of legislation to establish and maintain the manufacture of dyestuffs, which were referred to the Committee on Finance.

He also presented the petition of Martha S. Kimball, of Portsmouth, N. H., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Navy League of Portsmouth, N. H., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for a prohibitive tax on intoxicating liquors, which was referred to the Committee on Finance.

He also presented telegrams in the nature of memorials from sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a petition of the regents of the University of Minnesota, St. Anthonys Park, Minn., praying that an appropriation be made for the building of a high dam to provide water power for the citizens of St. Paul and Minneapolis, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Minnesota, remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. WARREN presented petitions of the Sweetwater County Federated Trades and Labor Council, of Rock Springs; of Local Union No. 2742, United Mine Workers of America, of Carneyville; and of Local Union No. 2055, United Mine Workers of America, of New Acme, all in the State of Wyoming, praying for the printing of the report of the Commission on Industrial Relations as a public document, which were referred to the Committee on Printing.

He also presented a memorial of Local Union No. 2055, United Mine Workers of America, of New Acme, Wyo., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.